STATUTORY INSTRUMENTS

1984 No. 1317

WEIGHTS AND MEASURES

The Weights and Measures (Packaged Goods) (Amendment) Regulations 1984

Made - - - -	17*th August* 1984
Laid before Parliament	20*th August* 1984
Coming into Operation	1*st January* 1986

Whereas the Secretary of State pursuant to section 15(3) of the Weights and Measures Act 1979(**a**) has consulted such organisations as he considers are representative of interests which would be substantially affected by these Regulations:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 1, 13, 14(1) and 15 of that Act, and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Weights and Measures (Packaged Goods) (Amendment) Regulations 1984 and shall come into operation on 1st January 1986.

2. The Weights and Measures (Packaged Goods) Regulations 1979(**b**) shall be amended in accordance with the following provisions of these Regulations.

(**a**) 1979 c.45.
(**b**) S.I. 1979/1613, amended by S.I. 1980/1064 and 1982/144.

3. For Regulation 3, there shall be substituted the following Regulation:—

"Prescribed goods

3. The goods which are prescribed for the purposes of the definition of "package" in section 14(1) of the Act (which provides that in Part I of the Act that expression means among other things a container containing prescribed goods) are—

(a) goods of the description specified in column 1 of Parts I, II and III of Schedule 1 to these Regulations, and

(b) goods of any other description

which are both intended for sale and normally sold by weight or by volume in containers made up (in the circumstances mentioned in the said definition) in a predetermined constant quantity.".

4. Regulation 26(4A) shall be deleted.

5.— (1) For Part I of Schedule 1 there shall be substituted Schedule 1 to these Regulations.

(2) For Part III of Schedule 1 there shall be substituted Schedule 2 to these Regulations.

6. In paragraph 1 of Part I of Schedule 3—

(a) for paragraphs 1(A) and (B)*(a)* there shall be substituted the paragraphs set out in Schedule 3 to these Regulations; and

(b) paragraph 1(B)*(b)*(i) to (iii) and *(c)* shall be omitted.

Alexander Fletcher,
Parliamentary Under-Secretary of State,
Department of Trade and Industry.

17th August 1984.

SCHEDULE 1

Regulation 5(1)

Part I: Foodstuffs and natural mineral waters (excluding goods specified in Part III below)

1 Description of goods (see Regulation 3)	2 Excluded category of such goods (see Regulation 4(1)*(a)* and (2))	3 Lower and upper limits of predetermined constant quantity (see Regulation 4(1)*(a)*)	
(Note: Items 1–25 below specify goods to be made up by weight) 1 Barley kernels, pearl barley, rice (including ground rice and rice flakes), sago, semolina and tapioca		5 g	10 kg
2 Biscuits and shortbread. In this item "biscuits" includes wafers, rusks, crispbreads, extruded flatbread, oatcakes and matzos	shortbread in a piece or pieces each weighing 200 g or more and biscuits made up in a predetermined constant quantity of less than 100 g for sale on the premises on which they are made up	50 g	10 kg
3 Bread within the meaning of the Weights and Measures Act 1963 (Miscellaneous Foods) Order 1984(**a**) in single loaf form		300 g per loaf	10 kg per loaf
4 Cereal breakfast foods in flake form, flour of oats, oatflakes and oatmeal		5 g	10 kg
5 Cheese of any of the following descriptions:— *(a)* processed cheese; *(b)* cheese spread; *(c)* cottage cheese; and		25 g	10 kg

(**a**) S.I. 1984/1316.

SCHEDULE 1 *(continued)*

Part I: Foodstuffs and natural mineral waters (excluding goods specified in Part III below)

1 Description of goods (see Regulation 3)	2 Excluded category of such goods (see Regulation 4(1)*(a)* and (2))	3 Lower and upper limits of predetermined constant quantity (see Regulation 4(1)*(a)*)	
(d) the following types of natural cheese:— Caerphilly, Cheddar, Cheshire, Derby, Double Gloucester, Dunlop, Edam, Gouda, Lancashire, Leicestershire and Wensleydale. In this item "cheese" means cheese whether or not containing flavouring or colouring matter, and whether or not coated with or mixed with other food for the purpose of giving the cheese a distinctive appearance or flavour			
6 Cocoa products and chocolate products within the meaning of the Cocoa and Chocolate Products Regulations 1976(**a**)		50 g	10 kg
7 Coffee and coffee mixtures within the meaning of the Coffee and Coffee Products Regulations 1978(**b**) and coffee bags within the meaning of the Weights and Measures Act 1963 (Miscellaneous Foods) Order 1984		5 g	10 kg

(**a**) S.I. 1976/541, as amended by S.I. 1984/1305.
(**b**) S.I. 1978/1420.

8	Coffee extract products and chicory extract products consisting of solid and paste coffee and chicory products within the meaning of the Weights and Measures Act 1963 (Miscellaneous Foods) Order 1984		(i) in the case of instant coffee and coffee extract paste, 5 g;	10 kg
			(ii) in the case of instant chicory and chicory extract paste, 8 g;	10 kg
			(iii) in the case of blends of products referred to in (i) and (ii), 5 g if the blend consists mainly of the products referred to in (i) or 8 g if the blend consists mainly of the products referred to in (ii);	10 kg
			(iv) in the case of extracts of blends of roasted coffee and roasted chicory, 5 g	10 kg
9	Dried fruits of any one or more of the following descriptions, that is to say, apples (including dried apple rings), apricots, currants, dates, figs, muscatels, nectarines, peaches, pears (including dried pear rings), prunes, raisins, sultanas and dried fruit salad		5 g	10 kg
10	Dried vegetables of any of the following descriptions, that is to say, beans, lentils and peas (including split peas)		5 g	10 kg
11	Edible fats of any of the following descriptions:— *(a)* butter, margarine, any mixture of butter and margarine, and low fat spreads (butter or margarine substitutes); *(b)* dripping and shredded suet;		5 g	20 kg

SCHEDULE 1 *(continued)*

Part I: Foodstuffs and natural mineral waters (excluding goods specified in Part III below)

1 Description of goods (see Regulation 3)	2 Excluded category of such goods (see Regulation 4(1)*(a)* and (2))	3 Lower and upper limits of predetermined constant quantity (see Regulation 4(1)*(a)*)	
(c) lard and compound cooking fat and substitutes therefor; and *(d)* solidified edible oil (except in gel form)			
12 Fish or poultry of any description, whether fresh, chilled, frozen, salted, cooked or processed, including any article which, though it also contains other food, consists substantially of fish or poultry. In this item "poultry" includes any part of any poultry	poultry pies, fish pies	5 g	10 kg
13 Flour, namely flour of bean, maize, pea, rice, rye, soya bean or wheat and flour products being cake flour, cornflour or self-raising flour		5 g	10 kg
14 Herbs and spices		25 g	4 kg
15 Honey		5 g	10 kg
16 Jam and marmalade		5 g	10 kg
17 Jelly preserves		5 g	10 kg

18 Meat of any description, whether fresh, chilled, frozen, salted, cooked or processed, including any article which, though it also contains other food, consists substantially of meat. In this item, "meat" means any part of an animal of any of the following descriptions, that is to say, cattle, sheep and swine, and includes sausage-meat in any form whether cooked or uncooked	(i) bath chaps, meat pies, meat puddings and sausage rolls; (ii) single cooked sausages in natural casings made up in a predetermined constant quantity of less than 500 g; and (iii) sausage-meat products other than in sausage form made up in a predetermined constant quantity of less than 500 g	5 g	10 kg
19 Molasses, syrup and treacle		5 g	10 kg
20 Pasta		5 g	10 kg
21 Potato crisps and other similar products commonly known as snack foods		50 g up to 30th June 1989 25 g with effect from 1st July 1989	10 kg 10 kg
22 Salt		5 g	10 kg
23 Sugar		50 g	10 kg
24 Sugar confectionery and chocolate confectionery within the meaning of the Food Labelling Regulations 1984(a)	(i) Easter eggs; (ii) figurines of sugar or of chocolate; (iii) rock or barley sugar in sticks or novelty shapes; and (iv) a collection of articles each of which is either an article mentioned in (i) to (iii) above or an article in a container marked with a statement of quantity	50 g	10 kg

(a) S.I. 1984/1305.

SCHEDULE 1 *(continued)*

Part I: Foodstuffs and natural mineral waters (excluding goods specified in Part III below)

1 Description of goods (see Regulation 3)	2 Excluded category of such goods (see Regulation 4(1)*(a)* and (2))	3 Lower and upper limits of predetermined constant quantity (see Regulation 4(1)*(a)*)	
25 Tea (including tea in a tea bag)		5 g	10 kg
(Note: Items 26–30 below specify goods to be made up by volume) 26 Alcoholic beverages		5 ml	5 L
27 Edible oil in liquid or gel form		5 ml	20 L
28 Liquid coffee extract and liquid chicory extract and blends thereof within the meaning of the Coffee and Coffee Products Regulations 1978		5 ml	10 L
29 Milk from cows in any liquid form other than that of condensed milk (including evaporated milk) or of cream		5 ml	10 L
30 Natural mineral waters		5 ml	10 L

(Note: This item specifies goods to be made up by weight or by volume)			
31 Food (including drink) for human consumption of any description (excluding a description mentioned in any of the foregoing items or specified as goods of an excluded category in relation to any such item)	cheese not falling within item 5 above; flour confectionery within the meaning of the Food Labelling Regulations 1984 (except when consisting of or including uncooked pastry or shortbread), including bun loaves, fruit loaves, malt loaves and fruited malt loaves; fresh fruits or vegetables of any description; iced lollies, water ices and freeze drinks; ice cream; single toffee apples; soft drinks of any description in a syphon; single portion vending machine beverage packs below 25 g/25 ml; and single portion catering packs below 25 g/25 ml	5 g or 5 ml	10 kg or 10 L

SCHEDULE 2

Regulation 5(2)

Part III: Composite goods

1 Description of goods (see Regulation 3)	2 Lower and (as applicable) upper limits of predetermined constant quantity (see Regulation 4(1)*(a)*)	
(Note: Items 1, 2 and 3 below specify goods to be made up by weight or by volume)		
1 Goods (being neither aerosol products nor goods of any of the descriptions mentioned in column 1 of Part I above, other than goods of an excluded category mentioned in column 2 of that Part) which consist of a mixture constituted wholly or mainly of goods of any of those descriptions.	5 g or 5 ml	the relevant upper limit
2 Goods (being neither aerosol products nor goods of any of the descriptions mentioned in column 1 of Part II above, other than goods of an excluded category mentioned in column 2 of that Part) which consist of a mixture constituted wholly or mainly of goods of any of those descriptions.	25 g or 25 ml	the relevant upper limit
For the purposes of paragraphs 1 and 2 above "the relevant upper limit" means the limit specified in column 3 of Part I or II above as applicable in relation to the goods of which the mixture in question is wholly or mainly constituted when they are made up in packages otherwise than as mentioned in this paragraph.		
3 Aerosol products containing goods of any of the descriptions mentioned in column 1 of Parts I and II above, including goods of an excluded category mentioned in column 2 of each of those Parts.	25 g or 25 ml	—

SCHEDULE 3 Regulation 6

Modifications to paragraph 1 of Part I of Schedule 3

1 Description of packages	2 The modifications
1. Packages containing— *(a)* milk when made up in transparent containers in predetermined constant quantities of 1/3 pint, 1/2 pint or 1 pint; or *(b)* bread	1(A) Part I of the Act shall have effect as if— *(a)* in the case mentioned in sub-paragraph *(a)* in column 1— (i) in section 1(1) for the words "marked with the same nominal quantity" there were substituted the words "made up in the same pre-determined constant quantity" and for the words "than the nominal quantity on those packages" there were substituted the words "than that quantity", (ii) section 1(4) and (5) were omitted, (iii) in section 2(6) for the words "the nominal quantity on the package." there were substituted the words "the predetermined constant quantity in relation to which the package was made up.", (iv) in section 3(4) for the words "a nominal quantity which was not on the packages" there were substituted the words "a quantity other than the predetermined constant quantity in which the packages were made up", (v) sections 3(6) and 5 were omitted, (vi) in section 14(1) the definition of "nominal quantity" were omitted and at the end of that subsection there were added the following words:— "and for the purposes of this Part of this Act references to a pre-determined constant quantity shall be construed in like manner as, by virtue of Regulation 2(3) of the Weights and Measures (Packaged Goods) Regulations 1979, they are to be construed for the purposes of those Regulations.",

SCHEDULE 3 *(continued)*

Modifications to paragraph 1 of Part I of Schedule 3

1 Description of packages	2 The modifications
	(vii) in section 14(2) for the words "the nominal quantity on the package" (where they first occur) to the end of the subsection there were substituted the words "the predetermined constant quantity in relation to which the package was made up and is inadequate if the quantity of the goods it contains is less by more than twice that amount than that predetermined constant quantity.",
	(viii) section 14(4) were omitted, and
	(ix) in section 15(7) for the words "the nominal quantity on the package" there were substituted the words "the predetermined constant quantity in relation to which the package was made up.";
	(b) in the case mentioned in sub-paragraph *(b)* in column 1—
	(i) at the end of paragraph *(b)* of section 1(4) there were added the words "but this paragraph shall not apply in the case of a person who makes up bread in packages and sells them on any premises if there is displayed on those premises as the name or style under which his business is carried on a name or style which is the same as, or substantially similar to, that displayed on the premises on which the packages are made up.", and
	(ii) paragraph *(b)*(ii) of section 1(6) were omitted in relation to a person who makes up such packages for so long as, and to the extent to which, there is in force, in relation to that person, a notice in writing given to him by a chief inspector (within the meaning of section 58(1) of the Weights and Measures Act 1963)(a), being the

(a) 1963 c.31.

SCHEDULE 3 *(continued)*

Modifications to paragraph 1 of Part I of Schedule 3

1 Description of packages	2 The modifications
	chief inspector for the area in which the packages were made up, that the said paragraph *(b)*(ii) does not apply. 1(B) These Regulations shall have effect as if— *(a)* in the case mentioned in sub-paragraph *(a)* in column (1)— (i) Regulations 6, 7, 8, 10, 11 and 12 were omitted, (ii) in Regulation 24(1) for the words "the nominal quantity on the package." there were substituted the words "the predetermined constant quantity in relation to which the package was made up.", and in the Table in, and in paragraph (2) of, that Regulation for the references to nominal quantity there were substituted references to predetermined constant quantity, (iii) Regulation 26(1)*(b)* and (3), (4), (6) and (7) were omitted, (iv) in Schedules 4 and 5 for any reference to the nominal weight on a package there were substituted a reference to the predetermined constant quantity in relation to which the package was made up, and (v) Part I of Schedule 6 were omitted.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Weights and Measures (Packaged Goods) Regulations 1979 ("the principal Regulations"), as amended. The changes are as follows:—

(a) Regulation 3 of the principal Regulations is re-drafted to make it clear that the reference to goods which are both intended for sale and normally sold by weight or volume covers goods in both sub-paragraphs *(a)* and *(b)*. Thus goods intended for sale and normally sold by number eg the goods described in Article 13 of the Weights and Measures Act 1963 (Miscellaneous Foods) Order 1984 fall outside the Regulations.

(b) Regulation 26(4A), which made provision for Part I of the Weights and Measures Act 1979 to apply in certain circumstances to an outer container of certain packages of cocoa or chocolate products, is deleted.

(c) Schedule 1 to the principal Regulations is replaced by a new Schedule, which implements the requirements of Article 8 of Council Directive No. 79/112/EEC (O.J. No. L. 33, 8.2.1979, p.1) in relation to the lower limits of the average system in the case of the foods in question and the requirements of Article 6 of Council Directive No. 77/436/EEC (O.J. No. L. 172, 12.7.1977, p.20) in relation to the lower limits in the case of instant chicory and chicory extract paste. In many cases the lower limit is reduced. Natural mineral waters are brought within the average system.

(d) Most of Paragraph 1 of Part I of Schedule 3 to the principal Regulations is replaced by provisions which require that packages containing bread will have to be marked with a statement of quantity.

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