1980 No. 150

WEIGHTS AND MEASURES

Weights and Measures (Potatoes) Order (Northern Ireland) 1980

Made . . . . . 8th May 1980

Coming into operation . . . 1st July 1980

To be laid before Parliament under paragraph 3(3) of Schedule 1 to the Northern Ireland Act 1974

The Department(**a**) of Commerce, in exercise of the powers conferred on it by section 15(2), (3) and (5) of the Weights and Measures Act (Northern Ireland) 1967(**b**) (in this Order referred to as "the Act") and of every other power enabling it in that behalf, after consultation, in accordance with section 35(2) of the Act, with such organisations as appear to it to be representative of interests substantially affected by this Order and consideration of the representations made to it by such organisations with respect to the subject matter of this Order, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Weights and Measures (Potatoes) Order (Northern Ireland) 1980 and shall come into operation on 1st July 1980.

(2) In this Order "potatoes" means potatoes in the state in which they were harvested or in that state apart from cleaning.

Revocation

2.—(1) The Weights and Measures (Potatoes) Order (Northern Ireland) 1979(**c**) is hereby revoked.

(2) Part VII of Schedule 2 to the Act shall cease to apply to potatoes.

Control of sale

3. Potatoes which are not pre-packed shall, when sold by retail, be sold only by net weight.

Pre-packing requirements

4. Subject to Article 5, potatoes shall be pre-packed—

(*a*) except where made up in a quantity exceeding 25 kg, only if made up in one of the following quantities by net weight, that is to say—

(i) 8 oz., 12 oz., 1 lb., 1½ lb. or a multiple of 1 lb.; or

(ii) 500 g, 1 kg, 1.5 kg, 2 kg, 2.5 kg or a multiple of 2.5 kg up to and including 15 kg, 20 kg, or 25 kg; and

(*b*) only if the container is marked with an indication of quantity by net weight.

(**a**) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8(1)
(**b**) 1967 c. 6 (N.I.)
(**c**) S.R. 1979 No. 409

Sale by number

5. Nothing in Article 4 shall require potatoes, the net weight of each of which is not less than 175 g, to be pre-packed in a particular quantity or the container to be marked with an indication of the weight of the potatoes if the container is marked—

(*a*) with an indication of quantity by number; and

(*b*) with a statement to the effect that each potato in the container is of a net weight not less than a weight specified in grams, whether the weight so specified is 175 g or a greater weight.

Sale otherwise than by retail

6.—(1) Where at any premises other than a vehicle or ship potatoes have been sold by weight when made up in a container, and the sale is otherwise than by retail, the buyer may require all or any of the following weighings to be carried out at those premises, that is to say—

(*a*) a weighing of that container while the potatoes are therein;

(*b*) a weighing of that container after the removal of the potatoes therefrom;

(*c*) a weighing of a similar container which is empty.

and thereupon the seller shall either carry out or permit the buyer to carry out the weighing or weighings so required.

(2) The occupier of any premises at which potatoes are made up in a container for sale by weight otherwise than by retail, or of any premises (other than a vehicle or ship) at which potatoes so made up are so sold, shall provide suitable weighing equipment and make that equipment available for any weighing or weighings required under paragraph (1) to be carried out at those premises.

(3) A seller who fails without reasonable cause to comply with any of the requirements of paragraphs (1) or (2) shall be guilty of an offence.

Sealed with the Official Seal of the Department of Commerce for Northern Ireland on 8th May 1980.

(L.S.)

W. T. McCrory
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order revokes and replaces the Weights and Measures (Potatoes) Order (Northern Ireland) 1979 (S.R. 1979, No. 409). It provides that Part VII of Schedule 2 to the Weights and Measures Act (Northern Ireland) 1967 shall cease to apply to potatoes on 1st July 1980 when the provisions of that Part are replaced by those of this Order (Article 2).

Potatoes in the state in which they were harvested, or in that state apart from cleaning, may be pre-packed only in a prescribed range of imperial or metric weights where the quantity does not exceed 25 kg (approximately 55 lb.). Every container in which potatoes are pre-packed must be marked with an indication of quantity by net weight (Articles 1(2), and 4).

Notwithstanding these requirements potatoes which individually weigh 175 g (approximately 6 oz) or more may also be pre-packed in containers marked with an indication of the quantity by number and with a statement to the effect that the net weight, expressed in grams, of each potato in the container is not less than 175 g (approximately 6 oz), or a greater weight specified in the statement (Article 5).

If not pre-packed, potatoes shall, when sold by retail, be sold only by net weight (Article 3).

Where potatoes are sold (other than on a vehicle or ship) by weight and made up in a container, and the sale is otherwise than by retail, the buyer may require a check by weighings to be carried out (Article 6(1)).

The occupier of the premises at which potatoes are sold in the manner described must, unless there is a reasonable cause not so to do, either carry out or permit the buyer to carry out the weighings and must make available suitable weighing equipment for the purpose (Article 6(2)).