EXPLANATORY MEMORANDUM TO

The Weights and Measures (Specified Quantities) (Unwrapped Bread and Intoxication Liquor) Order (Northern Ireland) 2013

SR No. 261

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Enterprise, Trade and Investment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under powers conferred by Articles 19(2), (3) and (7) and 48(2) of the Weights and Measures (Northern Ireland) Order 1981 ("the 1981 Order") and is subject to the negative resolution procedure in the Assembly.

1.3. The Rule is due to come into operation on 16 December 2013.

2. Purpose

2.1. The Rule amends the legislation that requires unwrapped bread and certain non pre-packaged alcoholic drinks to be sold only in fixed sizes, known as specified quantities. It removes the requirement for unwrapped bread to be sold in specified quantities and replaces it with a requirement for labelling where new sizes are introduced. It also amends the specified quantities for alcoholic drinks by deregulating wine sold by the glass in a quantity below 75 ml; introducing a new size of 2/3 pint for draught beer and cider; and replacing the specified quantities for fortified wines with measures that reflect existing trade practice. The provisions are aimed at giving greater choice to consumers and businesses in the quantities that the products concerned may be offered for sale in.

3. Background

3.1. Legislation in this area is aimed at protecting consumers from short measure and ensuring they have sufficient information on quantity to enable them to make informed purchasing decisions. The use of specified quantities protects consumers against marginal reductions in quantity and makes it easier to compare the unit price. In addition, regulating the quantities available for intoxicating liquor helps drinkers to keep track of their intake for health and safety reasons. Under existing provisions, the UK regulates the quantities available for the sale of non pre-packed beer, cider, wine, vodka, rum, gin and whiskey and unwrapped bread. The Rule amends existing provisions so that consumers receive sufficient protection, but gives greater flexibility on sizes and removes provisions that are unnecessarily restrictive.

3.2. Under the Weights and Measures (Miscellaneous Foods) Order (Northern Ireland) 1989 (SR1989 No. 69) any unwrapped loaf above 300 g must be sold only in a multiple of 400 g. Article 3 of the Rule amends that Order to deregulate specified quantities for unwrapped bread and bring the treatment of unwrapped bread into line with that of pre-packaged bread,

which can already be sold in any size. This change will free up the market to allow for innovation. Article 3 also requires that only where any new sizes are adopted, information on quantity must be provided in the form of a ticket or notice. This will ensure that consumers have sufficient information on quantity, without imposing new burdens on those businesses that choose not to adopt new sizes.

3.3. The UK Government's policy is to continue to regulate the quantities in which alcoholic drinks are served. This is in recognition of the special characteristics of alcohol as a commodity and to help consumers' awareness of the quantity of alcohol that they are consuming. The Rule makes amendments to bring the regulation of sizes for intoxicating liquor up to date.

3.4. Article 4 of the Rule amends the Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1989 (SR 1989 No.164) to permit the sale of draught beer and cider in 2/3 pint measures. This provision provides additional flexibility for licensed premises to offer a greater range of sizes and more choice for consumers.

3.5. Article 4 of the Rule also exempts fortified wines from the specified quantities that apply to wine sold by the glass and replaces them with specified quantities of 50 ml and 70 ml or a multiple of either. This reflects the sizes which are already widely in use by the trade.

3.6. Article 4 also exempts wine of a quantity less than 75 ml from the requirement to display quantity information or use a specified quantity. The removal of this restriction will encourage innovation in the market for wine and allow consumers the choice to sample wines in small quantities

4. Consultation

4.1. In accordance with Article 48(2) of the 1981 Order, the Department consulted with interested parties on the proposals. There was a minimal response with the only substantive comment coming from the Northern Ireland Drinks Industry Group (NIDIG) which supported the proposals dealing with intoxicating liquor.

5. Equality Impact

5.1. The provisions of the Rule have been considered by the Department against the criteria set out in the Department's Equality Scheme and do not have any adverse implications for Section 75 groups. An Equality Impact Assessment for the Rule is not therefore required.

6. Regulatory Impact

6.1. An Impact Assessment to accompany the Rule has not been prepared as there are no new burdens being imposed on the private or voluntary sector.

7. Financial Implications

7.1. Neutral.

8. Section 24 of the Northern Ireland Act 1998

8.1. There are no human rights issues contained in the Rule. It is the view of the Department that the Order is compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. There are no EU implications for NI under this Rule.

10. Parity or Replicatory Measure

10.1. The Rule is a parity measure and replicates for Northern Ireland a corresponding GB provision contained in the Weights and Measures (Specified Quantities) (Unwrapped Bread and Intoxicating Liquor) Order 2011 (SI 2011/2331) came into force on 1 October 2011.

11. Additional Information

11.1. Not applicable.