1978 No. 116

WEIGHTS AND MEASURES

Weights and Measures (Sugar) (Amendment) Order (Northern Ireland) 1978

Made . . . . . *2nd May* 1978

Coming into operation . . . . *30th June* 1978

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

The Department(a) of Commerce, after consultation 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, 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, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Weights and Measures (Sugar) (Amendment) Order (Northern Ireland) 1978 and shall come into operation on 30th June 1978.

Amendment of the Order of 1974

2. The Weights and Measures (Sugar) Order (Northern Ireland) 1974(c) shall have effect subject to the following amendments:—

(*a*) for Article 4 there shall be substituted the following two Articles:—

"**4.**—(1) Subject to paragraphs (2), (3) and (4) of this Article and to Article 5, sugar shall be pre-packed or otherwise made up in a container for sale, only if it is made up in one of the following quantities by net weight, that is to say—

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

(*b*) 125g, 250g, 500g, 750g, 1kg, 1.5kg, 2kg, 2.5kg, 3kg, 4kg or 5kg.

(2) After 31st July 1978 paragraph (1) shall have effect as if sub-paragraph (*a*) thereof were omitted.

(3) The application of section 16(2) of the Act, as it applies for the purposes of section 15(2)(*c*) in relation to sugar pre-packed or otherwise made up in a container for sale in imperial quantities specified in the said sub-paragraph (*a*), shall be excluded—

(*a*) in the case of sugar pre-packed or otherwise so made up in Northern Ireland on or before that date and sugar imported into Northern Ireland on or before that date and pre-packed or otherwise so made up before importation, in relation to all persons; and

(a) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8(1)
(b) 1967 c. 6 (N.I.)
(c) S.R. 1974 No. 281 (II, p. 1340)

(*b*) in the case of sugar pre-packed or otherwise so made up in Northern Ireland after that date and sugar imported into Northern Ireland after that date and pre-packed or otherwise so made up before importation, in relation to any person other than—

(i) where the sugar was pre-packed or otherwise so made up in Northern Ireland, the person who pre-packed it or otherwise so made it up, and if he pre-packed it or otherwise so made it up on behalf of another person, that other person;

(ii) where the sugar was imported into Northern Ireland, the person who imported it and if he imported it on behalf of another person, that other person.

(4) After 30th September 1978 paragraph (3) shall cease to have effect.

4A. Subject to Article 5 sugar shall be pre-packed or otherwise made up in a container for sale, only if the container is marked with an indication of quantity by net weight";

(*b*) in Article 5, for the words "Article 4(*a*)" and "Article 4(*b*)" there shall be substituted respectively the words "Article 4" and "Article 4A".

Sealed with the Official Seal of the Department of Commerce for Northern Ireland on 2nd May 1978.

(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.*)

The provisions of this Order amend on 30th June 1978 those of the Weights and Measures (Sugar) Order (Northern Ireland) 1974.

The amendment provides that after 31st July 1978 the prescribed range of imperial weights in which sugar may be pre-packed or otherwise made up in a container for sale, is withdrawn.

During the period 1st August to 30th September 1978 exclusion is provided for all persons from the offences connected with selling, agreeing to sell, or being in possession for sale of sugar, pre-packed or otherwise made up in a container for sale in Northern Ireland in imperial quantities, or imported into Northern Ireland in imperial quantities, on or before 31st July 1978.

The requirement to weight-mark containers is continued in this Order.