

GUERNSEY STATUTORY INSTRUMENT
1991 No. 55

The Weights and Measures (Packaged Goods) Regulations, 1991

Made 16th December, 1991
Laid before the States ... 29th January, 1992
Coming into operation ... 17th December, 1991

THE STATES BOARD OF EMPLOYMENT, INDUSTRY AND COMMERCE, in exercise of the powers conferred by sections 42, 43, 44, 46, 47, 48, 49 and 61 of the Weights and Measures (Guernsey and Alderney) Law, 1991(a) and in exercise of all other powers enabling it in that behalf, hereby makes the following Regulations -

Prescribed goods

1. The goods which are prescribed for the purposes of the definition of "package" in Schedule 10 to the Law (which provides that in Part V of the Law 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 the United Kingdom Weights and Measures (Packaged Goods) Regulations 1986(b) ("the United Kingdom Regulations"), and
- (b) goods of any other description

(a) Ordre en Conseil No. XVII of 1991.

(b) United Kingdom S.I. 1986/2049; as amended by United Kingdom S.I. 1987/1538 and United Kingdom S.I. 1988/627.

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.

Classes of packages

2.(1) For the purposes of these Regulations, packages are classified as follows -

- (a) class A packages, being packages containing goods of a description specified in column 1 of Parts I and II of Schedule 1 to the United Kingdom Regulations (other than goods of an excluded category) and in column 1 of Part III of that Schedule, in a case where the packages are made up in a predetermined constant quantity of not less than the lower limit and not more than the upper limit specified in relation to the description in question in column 3 of the said Parts I and II or in column 2 of the said Part III; and
- (b) class B packages, being packages which are not class A packages.

(2) In paragraph (1) above, references to goods of an excluded category are references to goods (within a description mentioned in column 1 of Parts I and II of the said Schedule 1) of a category, mentioned in column 2 of each of those Parts or to goods of a category so mentioned when made up or, as the

case may be, made for sale in the quantity, or in the quantity and the circumstances, mentioned in the said column 2 in relation to that category and Part V of the Law shall apply in relation to packages of those classes subject to the provisions made by Regulation 5(2) of the United Kingdom Regulations.

Provisions in respect of packages

3.(1) Subject to paragraph (2) and Regulation 4 below, Regulations 5 to 9 of Part II, and Parts III, IV, V and VI together with the Schedules mentioned therein, of the United Kingdom Regulations shall have effect in the Bailiwick as regulations under the Law for the purpose of prescribing for packages -

- (a) general provisions;
- (b) marking;
- (c) making up and checking;
- (d) testing; and
- (e) special provisions for certain cases.

(2) In the United Kingdom Regulations -

- (a) subject to paragraphs (b) to (j) below for any reference to a section of the United Kingdom Weights and Measures Act 1985(c) listed in column 1 of Schedule 1 to these Regulations there shall be substituted a reference to the section of the Weights and Measures (Guernsey and Alderney) Law, 1991

(c) An Act of Parliament (1985 c.72).

listed opposite it in column 2 of the said Schedule 1;

- (b) for the words "the Act" wherever they appear, there shall be substituted the words "the Law";
- (c) for the words "United Kingdom" wherever they appear, there shall be substituted the word "Bailiwick";
- (d) for any reference to a local weights and measures authority there shall be substituted a reference to the Committee;
- (e) for any reference to Regulation 3 or 4 thereof, there shall be substituted respectively a reference to Regulation 1 or 2 of these Regulations;
- (f) for Regulation 5(1)(f) there shall be substituted the following -
 - "(f) packages not marked with the EEC mark, being packages -
 - (i) intended for despatch to a destination outside the Bailiwick, Great Britain and any designated country; or
 - (ii) intended for use as stores in a ship, aircraft or hovercraft on a voyage or flight to an eventual destination outside the Bailiwick.";
- (g) for Regulation 9 there shall be substituted the following -

"9. The period prescribed for the purposes of section 48(3) of the Law (which provides for the procedure applicable where a person objects to instructions given to him under section 48(2)) shall be 21 days.";

(h) for Regulation 10(2)(a) there shall be substituted the following -

"(a) "the principal Regulations" means the United Kingdom Weights and Measures (Quantity Marking and Abbreviation of Units) Regulations 1987(d) as applied to the Bailiwick by the Weights and Measures (Quantity Marking and Abbreviation of Units) Regulations, 1991(e);";

(i) in the provisions thereof mentioned in column 1 of Schedule 2 to these Regulations there shall be substituted, for the words and figures in column 2, the words and figures opposite them in column 3; and

(j) paragraphs 2(d), 5, 6 and 7 of Part II of Schedule 3 shall be deleted.

Interpretation

4.(1) The Interpretation (Guernsey) Law, 1948(f) applies to the interpretation of these Regulations and the United Kingdom Regulations as if they were an enactment.

(2) In these Regulations and the United Kingdom Regulations -

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- (d) United Kingdom S.I. 1987/1538; as amended by United Kingdom S.I. 1988/627.
(e) S.I. 1991/56.
(f) Ordres en Conseil Vol. XIII, p. 355.

"committee" means the States of Guernsey Board of Employment, Industry and Commerce or such other Committee or like body of the States of Guernsey as may by resolution of the States be appointed to administer this Law;

"the EEC mark" has the same meaning as in section 47(7) of the Law;

"the Law" means the Weights and Measures (Guernsey and Alderney) Law, 1991; and

"the Packers' Code" and "the Inspectors' Manual" mean the codes of practical guidance respectively entitled "Code of Practical Guidance for Packers and Importers (Issue No. 1)"(g) and "Manual of Practical Guidance for Inspectors (Issue No. 1)"(h), both issued by the competent authority on 6th December, 1979.

(3) References in these Regulations and the United Kingdom Regulations to packages of classes A and B shall be construed in accordance with Regulation 2(1) above, and references to packages of the same class shall be construed accordingly.

(4) For the purposes of these Regulations and the United Kingdom Regulations, references to a predetermined

(g) ISBN 0 11 512922 7, as amended by Amendment to Issue No. 1 in 1985.

(h) ISBN 0 11 512501 9, as amended by Amendment to Issue No. 1 in 1985.

constant quantity apply in relation to packages in the case where a group of relevant packages containing the same goods is made up in circumstances where, before the goods are placed in the packages, the packer has selected a particular quantity (being the same quantity for all the packages in the group) as the quantity of the goods which he intends the packages to be treated as containing.

Citation

5. These Regulations may be cited as the Weights and Measures (Packaged Goods) Regulations, 1991.

Commencement

6. These Regulations shall come into operation on 17th December, 1991.

Dated 16th December, 1991.



DAVID EVANS
President of the States Board of Employment,
Industry and Commerce.

SCHEDULE 1

1 United Kingdom Weights and Measures Act 1985 Section	2 Weights and Measures (Guernsey and Alderney) Law, 1991 Section
8(1)(b)	5(1)(b)
25(7)	21(7)
28(2)	24(2)
47	42
47(1)	42(1)
47(1)(a)	42(1)(a)
47(1)(b)	42(1)(b)
47(2)	42(2)
47(3)	42(3)
47(4)	42(4)
47(4)(a)	42(4)(a)
48	43
48(1)	43(1)
48(1)(a)	43(1)(a)
48(1)(b)	43(1)(b)
48(1A)	43(1A)
48(2)	43(2)
48(3)	43(3)
49	44
49(1)	44(1)
49(1)(a)	44(1)(a)
49(1)(b)	44(1)(b)
49(2)	44(2)
49(2)(a)	44(2)(a)
49(2)(b)	44(2)(b)
50	45
50(5)	45(5)
50(6)	45(6)
51	46
51(1)	46(1)
51(2)(b)	46(2)(b)
51(3)	46(3)
54	47
54(1)	47(1)
54(3)	47(3)
54(4)	47(4)

1 United Kingdom Weights and Measures Act 1985 Section	2 Weights and Measures (Guernsey and Alderney) Law, 1991 Section
54(5)	47(5)
54(6)	47(6)
54(7)	47(7)
63	48
68(1A)	51(4)
68(1A)(a)	51(4)(a)
68(1A)(b)(ii)	51(4)(b)(ii)
68(2)(a)	51(1)(a)
68(2)(b)	51(1)(b)
68(4)	51(3)

Regulation 3(2)(i)

SCHEDULE 2

Amendments to the provisions of the United Kingdom Regulations

1 Provision	2 Words and Figures (Deletions)	3 Words and Figures (Substitutions)
Regulation 12 Footnote to Regulation 12	1980 (a) S.I. 1980/1058, as amended by S.I.1981/1727, 1983/530, 1984/1618, 1985/306 and 1871.	1988 (a) United Kingdom S.I. 1988/186; as amended by United Kingdom S.I. 1988/ 1128.
Regulation 19	Schedule 3	Schedule 2
Regulation 25(4)(a)	Regulation 4(1)(a)	Regulation 2(1)(a) of the Weights and Measures (Packaged Goods) Regulations, 1991
Regulation 26(1)	the Weights and Measures Act 1963 (Miscellaneous Foods) Order 1984(a)	Part II of Schedule 4 to the Law

1 Provision	2 Words and Figures (Deletions)	3 Words and Figures (Substitutions)
Schedule 1, Part I, Column 1 (Item 3)	the Weights and Measures Act 1963 (Miscellaneous Foods) Order 1984	Part II of Schedule 4 to the Law
" (Item 4)	of the Caseins and Caseinates Regulations 1985(a)	prescribed by the Committee
" (Item 6)	Gouda,	Gouda, Guernsey,
" (Item 7)	of the Cocoa and Chocolate Products Regulations 1976(a)	prescribed by the Committee
" (Item 8)	of the Coffee and Coffee Products Regulations 1978(b)	prescribed by the Committee
" (Item 9)	the Weights and Measures Act 1963 (Miscellaneous Foods) Order 1984	Part II of Schedule 4 to the Law
" (Item 24)	same meanings as they have in the Condensed Milk and Dried Milk Regulations 1977(a)	meanings prescribed by the Committee

1 Provision	2 Words and Figures (Deletions)	3 Words and Figures (Substitutions)
Schedule 1, Part I, Column 1 (Item 27)	of the Food Labelling Regulations 1984(b)	prescribed by the Committee
" (Item 31)	of the Coffee and Coffee Products Regulations 1978	prescribed by the Committee
" (Item 32)	of the Condensed Milk and Dried Milk Regulations 1977	prescribed by the Committee
Schedule 1, Part I, Column 2 (Item 37)	of the Food Labelling Regulations 1984	prescribed by the Committee
Schedule 3, Part I, Column 1 (Item 1(b))	the Weights and Measures Act 1963 (Miscellaneous Foods) Order 1984	Part II of Schedule 4 to the Law
Schedule 3, Part I, Column 2 (Item 1A(a)(vi))	section 68(1)	Schedule 10 to the Law
	2(3)of the Weights and Measures (Packaged Goods) Regulations 1986	4(4) of the Weights and Measures (Packaged Goods) Regulations, 1991
Schedule 3, Part I, Column 2 (Item 3)	section 68(1)	Schedule 10 to the Law

1 Provision	2 Words and Figures (Deletions)	3 Words and Figures (Substitutions)
Schedule 3, Part II, Paragraph 1	section 56(1)(b), (d), (e) and (f), section 57(1), section 58, section 59(1)(a) and (b),	-
Schedule 3, Part II, Paragraph 2 (b)	the Weights and Measures (Packaged Goods) Regulations 1986	the Weights and Measures (Packaged Goods) Regulations 1986 as applied to the Bailiwick by the Weights and Measures (Packaged Goods) Regulations, 1991
Schedule 3, Part II, Paragraph 8	In section 68 - (a) in subsection (1) -	(1) In Schedule 10 to the Law -
Schedule 3, Part II, Paragraph 8(a)(i)	Regulation 4(1)(b) of the Weights and Measures (Packaged Goods) Regulations 1986	Regulation 2(1)(b) of the Weights and Measures (Packaged Goods) Regulations, 1991
Schedule 3, Part II, Paragraph 8(a)(iii)	after the definition of "the Unit" there shall be added the following defin- ition:- "the EEC mark' has the meaning assigned to it by section 54(7) of this Act."	there shall be inserted after the expression "Drugs" and "food" set out in the first column the expression "the EEC mark", and in the second column the following meaning:- The meaning assigned to it by section 47(7) of this Law.

1 Provision	2 Words and Figures (Deletions)	3 Words and Figures (Substitutions)
Schedule 3, Part II, Paragraph 8 (b)	(b) after sub- section (1) there shall be inserted the following subsection:- "(1A)	(2) In section 51 after subsection (3) there shall be inserted the the following subsection:- "(4)
Schedule 3, Part II, Paragraph 9	In Schedule 8 - (a) in paragraph 5(1) -	(1) In subsection (7) of section 52 -
Schedule 3, Part II, Paragraph 9(a)(ii)	and third places	place
Schedule 3, Part II, Paragraph 9(b)	(b) in paragraph 6(2) for the word "package"	(2) In subsection (6) of section 52 for the words "a package"
Schedule 4, Part I, Paragraph 1(1)(b)(ii)	means a pattern in respect of which a certificate of approval granted under section 12 of the Act	has the meaning set out in Schedule 10 to the to the Law
Schedule 7, Part II, Paragraph 4(e)	,54(3) to (6), 57 and 58	and 47(3) to (6)
Schedule 7, Part II, Paragraph 4(f)	in section 68(1) -	in Schedule 10 to the Law -

1 Provision	2 Words and Figures (Deletions)	3 Words and Figures (Substitutions)
Schedule 7, Part II, Paragraph 4(f)(i)	by section 68(1)	by Schedule 10 to the Law
Schedule 7, Part II, Paragraph 4(f)(ii)	paragraph (3) of Regulation 2 of the Weights and Measures (Packaged Goods) Regulations 1986 those Regulations (where secondly occurring)	paragraph (4) of Regulation 4 of the Weights and Measures (Packaged Goods) Regulations, 1991 the United Kingdom Regulations as applied to the Bailiwick by the Weights and Measures (Packaged Goods) Regulations, 1991
Schedule 7, Part II, Paragraph 4(g)	(2) of section 68 "(2) For	(1) of section 51 "(1) For
Schedule 7, Part II, Paragraph 4(i)	in Schedule 8, paragraph 5 and in paragraph 7 the words "or 5" shall be omitted.	section 52(7), and in section 55(1)(d) the words "or 52(7)", shall be omitted.
Schedule 7, Part II, Paragraph 6	In section 68 - (a) in subsection (1)	(1) In Schedule 10 to the Law

1 Provision	2 Words and Figures (Deletions)	3 Words and Figures (Substitutions)
Schedule 7, Part II, Paragraph 6(b)	(b) after sub- section (1) there shall be inserted the following subsection:- "(1A)	(2) In section 51 after subsection (3) there shall be inserted the following subsection:- "(4)
Schedule 7, Part II, Paragraph 7	In Regulation 2 -	In Regulation 4 of the Weights and Measures (Packaged Goods) Regu- lations, 1991 -
Schedule 7, Part II, Paragraph 7(a)	(2)	(3)
Schedule 7, Part II, Paragraph 7(b)	(3)	(4)
Schedule 7, Part II, Paragraph 8	Regulations 3, 4, 5(2), 7 and 8 shall be omitted	Regulations 1 and 2 of the Weights and Measures (Packaged Goods) Regulations, 1991, and Regulations 5(2), 7 and 8 of the United Kingdom Regulations as applied to the Bailiwick by the Weights and Measures (Packaged Goods) Regulations, 1991

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations make provision for implementing the system of quantity control (commonly known as the "average system") applicable to the packaging of goods sold by weight or volume.

The average system requires the actual contents of packages to be not less, on average, than the nominal quantity marked on the package and the framework of the average system was established by the Weights and Measures (Guernsey and Alderney) Law, 1991. It provides for the duties to be complied with by packers and importers of packaged goods, in particular as to the making up and checking of packages, the quantity of goods which packages must contain and for the statement of quantity to be marked on them. It also makes provision with respect to the EEC mark placed on packages and provides that packages must not be sold if they contain less than a prescribed quantity of goods.

There is no obligation to pack to the tolerances permitted by these regulations as it is permissible to ensure that packages contain no less than the declared quantity marked on them.

The powers granted to the Board of Employment, Industry and Commerce under section 61(3) of the Weights and Measures (Guernsey and Alderney) Law, 1991 to make provision by reference to United Kingdom legislation have been used

to adopt parts of the United Kingdom (Packaged Goods) Regulations 1986.

These Regulations therefore substantially follow the same requirements as those in the United Kingdom. They make provision by reference to the following parts of the United Kingdom Regulations which prescribe -

Part II the general provisions with respect to packages (Regulations 5 to 9);

Part III the marking of packages;

Part IV the making up and checking of packages;

Part V the testing of packages; and

Part VI provisions for certain cases.

Copies of the Code of Practical Guidance for Packers and Importers and the Manual of Practical Guidance for Inspectors may be obtained from the Board of Employment, Industry and Commerce, Department of Consumer Affairs and Health and Safety at Work. Copies of the British Standard Specifications may be obtained from any of the sales outlets operated by the British Standards Institution (BSI) or by post from the BSI at Linford Wood, Milton Keynes, MK14 6LE England.