

**DRAFT WEIGHTS AND MEASURES (PRESCRIBED
QUANTITIES No. 7) (JERSEY) ORDER 200-**

**Lodged au Greffe on 21st December 1999
by the Industries Committee**



STATES OF JERSEY

STATES GREFFE

Explanatory Note

The effect of this Order is to amend certain Parts of the Third Schedule to the Weights and Measures (Jersey) Law 1967.

The Order amends Part VII of the Schedule to include certain metric weights applicable to pre-packed potatoes and to include in the produce covered by that Part additional fruit and vegetables.

The Order also amends Part VII of the Schedule to apply metric weights in respect of permitted weights for containers and makes other consequential changes to other Parts of the Schedule.

The Order also repeals Part XI of the Schedule since the Part only applies to the pre-packing of a limited range of goods that are not in fact pre-packed from bulk in Jersey.

The Order was made on [] and comes into force on 1st February 2000.

Weights and Measures (Jersey) Law 1967

WEIGHTS AND MEASURES (PRESCRIBED QUANTITIES No. 7) (JERSEY) ORDER 2000

THE INDUSTRIES COMMITTEE, in pursuance of Articles 20 and 38 of the Weights and Measures (Jersey) Law 1967,¹ as amended, (hereinafter referred to as “the Law”), hereby makes the following Order in the terms of a draft approved by the States on the [] day of [] 2000 -

1. In the Third Schedule to the Law² -
 - (a) in paragraph 2(2)(b) of Part II for “Table B” there shall be substituted “Table A”;
 - (b) in paragraph 2(b) of Part III for “Table B” there shall be substituted “Table A”;
 - (c) for Part VII there shall be substituted the Part set out in Part I of the Schedule to this Order;
 - (d) in Part VIII for paragraphs 2, 3 and 4 there shall be substituted the following paragraphs -

“2 Except in the case of -

- (a) honey in comb; and
- (b) other goods in a quantity of less than 12 g,

goods to which this Part applies which are not pre-packed shall be sold by retail only by net weight.

¹ Recueil des Lois, Volume 1966-1967, pages 648 and 678.

² Recueil des Lois, Volume 1966-1967, page 688.

3. Goods to which this Part of this Schedule applies shall not be sold pre-packed unless the container is marked with an indication of quantity by net weight.”;

(e) in Part IX for paragraph 2(b) there shall be substituted -

“(b) if sold in a container which does not exceed the appropriate permitted weight specified in Table A of Part XII of this Schedule, either by net weight or gross weight.”;

(f) Part XI shall be repealed;

(g) for Part XII there shall be substituted the Part set out in Part 2 of the Schedule to this Order.

2. This Order may be cited as the Weights and Measures (Prescribed Quantities No. 7) (Jersey) Order 2000 and shall come into force on the first day of February 2000.

By Order of the Industries Committee,

Greffier of the States.

2000.

*SCHEDULE**PART I***(Article 1(a))**

“PART VII.

FRESH FRUITS AND VEGETABLES.

1. References in this Part of this Schedule to fruits or vegetables of any description are references to food consisting of such fruits or vegetables either -

- (a) in the state in which they were harvested; or
- (b) in the state in which they were harvested apart from having been cleaned or trimmed; or
- (c) in the case of beetroots, in the state in which they were harvested apart from having been cooked; or
- (d) in the case of peas, in the state in which they were harvested apart from having been shelled.

2. Subject to paragraph 6 of this Part of this Schedule, potatoes -

- (a) unless pre-packed, shall not be sold by retail except by net weight;
- (b) shall not be sold by retail pre-packed unless -
 - (i) they are made up in one of the following quantities by net weight, that is to say -
 - (A) 500g, 750g, 1 kg, 1.5 kg, 2.5 kg (or a multiple of 2.5 kg to a nett weight not exceeding 15 kg), 20 kg or 25 kg; or

(B) 8 ounces, 12 ounces, one pound, one and a half pounds or a multiple of one pound; and

(ii) the container is marked with an indication of quantity by net weight.

3.-(1) Subject to paragraph 6 of this Part of this Schedule, this paragraph applies to -

- (a) beans, brussels sprouts, brussels tops, curly kale, peas, spinach, spring greens, sprouting broccoli and turnip tops;
- (b) produce of any one or more of the following descriptions (in this paragraph referred to as “soft fruits”), that is to say, bilberries, blackberries, blackcurrants, boysenberries, brambles, cherries, cranberries, gooseberries, loganberries, mulberries, raspberries, redcurrants, strawberries, tayberries and whitecurrants;
- (c) mushrooms;
- (d) produce of any one or more of the following descriptions (in this paragraph referred to as “countable produce”), that is to say, apples, apricots, artichokes (globe), aubergines, avocados, bananas, beetroots, cabbage, capsicums, carrots, cauliflower, celery, coconuts, corn on the cob, cucumber, fennel, figs (fresh), garlic, grapefruit, greengages, guavas, kiwi fruit, kohlrabi, leeks, lemons, lettuce, limes, mandarines, mangoes, marrow, melons, nectarines, onions (other than spring onions), oranges, parsnips, passion fruit, pawpaw, peaches, pears, pineapple, plums, pomegranates, pomelo, pumpkins, radishes, shaddock, shallots, soft citrus fruits, swedes, tangerines, tomatoes, turnips, and ugli.

(2) On a sale by retail of goods to which this paragraph applies there shall, subject to clause (3), be made known to the buyer before he pays for or takes possession of the goods the quantity of the goods sold, being -

- (a) the quantity by net weight or, in the case of countable produce, the quantity either by net weight or by number; or

- (b) if the goods are sold in a container which does not exceed the appropriate permitted weight specified, in the case of soft fruits or mushrooms, in Table B or, in any other case, in Table A of Part XII of this Schedule, the quantity either by net weight or by gross weight.

(3) Clause (2) does not apply to the sale by retail of goods to which this paragraph applies if the goods are pre-packed in a container marked with an indication of quantity by net weight or, in the case of countable produce, either by net weight or by number.

(4) Goods to which this paragraph applies shall not be pre-packed in a container which exceeds the appropriate permitted weight specified in sub-paragraph (2)(b) unless the container is marked with an indication of the quantity, being -

- (a) the quantity by net weight; or
- (b) in the case of countable produce, the quantity either by net weight or by number.

4.-(1) Where fruits or vegetables of any description specified in paragraph 2 or 3 of this Part of this Schedule have been divided into pieces or have had a part removed or both, then, subject to paragraph 6 of this Part of this Schedule, this paragraph shall apply to food consisting of, or including, part of any of those fruits or vegetables which has not been subjected to further process.

(2) On a sale by retail of any goods to which this paragraph applies there shall, subject to clause (3), be made known to the buyer before he pays for or takes possession of the goods the quantity of the goods sold, being -

- (a) the quantity by net weight; or
- (b) if the goods are sold in a container which does not exceed the appropriate permitted weight specified in Table A of Part XII of this Schedule, the quantity either by net weight or by gross weight.

(3) Clause (2) does not apply to the sale by retail of goods to which this paragraph applies if the goods are pre-packed in a container marked with an indication of quantity by net weight.

(4) Goods to which this paragraph applies shall not be pre-packed in a container which exceeds the appropriate permitted weight specified in sub-paragraph (2)(b) unless the container is marked with an indication of quantity by net weight.

5. Paragraph (3) of Article 32 of this Law shall apply to a requirement of paragraph 3 or 4 of this Part of this Schedule with respect to the making known to the buyer of the quantity by gross weight of pre-packed goods to which that paragraph applies in like manner as if provision to that effect had been made by an order under the said paragraph (3), but the power of the Committee to vary or revoke any order under that paragraph shall extend to the amendment or repeal of this paragraph.

6. The following shall be exempted from any requirement of paragraph 2 or 3 of this Part of this Schedule which would otherwise apply to them that is to say -

- (a) goods pre-packed in the same container with other goods to which none of those requirements applies;
- (b) goods pre-packed in the same container with goods of two or more other descriptions to which some requirement of this Part of this Schedule would otherwise apply;
- (c) a pre-packed collection of not more than eight articles of countable produce within the meaning of paragraph 3 of this Part of this Schedule, if the container is such that all the articles can be clearly seen by a prospective purchaser;
- (d) bunched asparagus, bunched carrots, bunched chives, bunched beetroots, bunched endives, bunched garlic, bunched mint, bunched mustard and cress, bunched onions (including spring onions), bunched parsley, bunched radishes, bunched salad cress, bunched turnips and bunched watercress;

- (e) pre-packed potatoes if the net weight of each potato is not less than 175g and the container is marked with an indication of quantity by number and 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 175g or a greater weight,

and there shall be exempted from all requirements of this Part of this Schedule any goods in a quantity of less than 25g.

7.-(1) Where at premises (other than a vehicle or ship) goods to which paragraph 2 or 3 of this Part of this Schedule applies 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 the container while the goods are in it;
- (b) a weighing of that container after removal of the goods;
- (c) a weighing of a similar empty container,

and thereupon the seller shall either carry out or permit the buyer to carry out the weighing or weighings so required; and if the seller fails without reasonable cause to do so he shall be guilty of an offence.

(2) The occupier of premises at which goods to which paragraph 2 or 3 applies are made up in a container for sale by weight otherwise than by retail, or of premises (other than a vehicle or ship) at which such goods so made up are so sold, shall provide suitable weighing equipment and make that equipment available for any weighing or weighings required under sub-paragraph (1) to be carried out at those premises; and if he fails without reasonable cause to comply with any of the requirements of this sub-paragraph he shall be guilty of an offence.”.

PART 2

(Article 1(b))

“PART XII.

TABLES OF PERMITTED WEIGHTS FOR CONTAINERS.

TABLE A.

Gross weight	Permitted weight of container
Not exceeding 500g	5g
Exceeding 500g	a weight at the rate of 10g per kg of the gross weight

TABLE B.

Gross weight	Permitted weight of container
Not exceeding 250g	a weight at the rate of 120g per kg of the gross weight
Exceeding 250g but not exceeding 1 kg	a weight at the rate of 100g per kg of the gross weight
Exceeding 1 kg but not exceeding 3 kg.....	a weight at the rate of 90g per kg of the gross weight
Exceeding 3 kg	a weight at the rate of 60g per kg of the gross weight

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