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STATUTORY RULES OF NORTHERN IRELAND

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**1998 No. 113**

**Measuring Equipment (Liquid Fuel and  
Lubricants) Regulations (Northern Ireland) 1998**

**Part III**

**TESTING**

**Testing under practical working conditions**

**8.** All measuring equipment shall be tested by an inspector under practical working conditions with a test liquid, that is to say,—

- (a) the liquid fuel that the equipment is intended to deliver; or
- (b) a liquid having properties which replicate in all aspects relevant to testing those of the liquid fuel which the equipment is intended to deliver,

and in the following provisions of these Regulations “test liquid” shall be construed accordingly.

**Testing dependent on completeness of equipment**

**9.** Measuring equipment shall not be tested unless it is complete with all its parts as described in any certificate of approval relating to it and which is in force or in any notice of examination.

**Testing of measuring equipment**

**10.—(1)** All measuring equipment which is to be permanently fixed in the position in which it is to be used shall be tested, passed as fit for use for trade and stamped only when—

- (a) completely erected, installed and ready for use at the place where it is to be used; or
- (b) completely erected and ready for use at the place of its manufacture or assembly in such a manner, in such a configuration and in such an environment as to replicate in all relevant respects those in which it will be installed at the place where it is to be used.

**(2)** All measuring equipment (other than equipment to which paragraph (1) applies) shall be tested, passed as fit for use for trade and stamped only when—

- (a) completely erected, installed and ready for use at the place where it is to be used; or
- (b) completely erected and ready for use in conditions which are in all material respects the same as those at the place at which it is to be installed for use.

**(3)** Notwithstanding paragraphs (1)(b) and (2)(b), measuring equipment which has been tested, passed as fit for use for trade and stamped in accordance with those paragraphs shall not be used for trade if—

- (a) it has subsequently been dismantled before completion of its installation at the place where it is to be used; and
- (b) any such dismantling is likely to have affected its performance.

### **Pre-testing requirements for measuring equipment with discharge hoses**

11.—(1) Subject to paragraph (2), before testing any measuring equipment fitted with a discharge hose, the inspector shall ensure that test liquid has first been passed through the equipment.

(2) This regulation shall not apply to equipment used for the measurement of liquid fuel where the delivery system remains permanently full up to the outer extremity of the discharge hose.

(3) In this regulation “hose” includes rigid pipe work.

### **Power of inspector to request provision of test liquid and other equipment**

12. For the purposes of the performance by an inspector of his functions under the Order or these Regulations relating to inspection, testing, passing as fit for use for trade and stamping of any measuring equipment, a person submitting such equipment to an inspector or who an inspector has reasonable cause to believe has possession of such equipment for use for trade shall, if requested, make available for the inspector’s use such test liquid and other equipment in his possession as the inspector may reasonably require; and any test liquid so made available shall be returned to the person in question or be placed in a suitable receptacle reasonably convenient for the purpose and nominated and provided by the proprietor or person in charge of the equipment.

### **Power of inspector to open tanks and containers**

13.—(1) An inspector may open any locked or sealed tank or container for the purpose of testing any measuring equipment or for the return of test liquid withdrawn during testing.

(2) Upon the conclusion of the test, any test liquid so withdrawn shall forthwith be—

(a) returned to the tank or container from which it was withdrawn if the inspector is of the opinion that it is practicable and desirable so to do and the proprietor or person in charge of the equipment does not object; or

(b) placed in another suitable receptacle reasonably convenient for the purpose and nominated and provided by the proprietor or person in charge of the equipment.

(3) The inspector, if requested, shall give to the proprietor or person in charge of the equipment a signed and dated statement of the quantity of such test liquid withdrawn from the tank or container and returned or placed as aforesaid.

### **Duty of inspector to reseal tanks and containers**

14. An inspector shall securely re-fasten any tank or container opened under regulation 13(1) immediately after the conclusion of the test and the return of any test liquid withdrawn during testing or the placing of it in another receptacle; and for this purpose he shall replace any seal or link broken by him in opening the tank or container with a seal upon which he shall affix the stamp.

### **Prescribed limits of error**

15.—(1) Subject to paragraphs (2) to (5), the prescribed limits of error relating to any measuring equipment shall be those set out in Table 1 in the Schedule as may be appropriate having regard to the dynamic viscosity of the test liquid employed.

(2) In the case of measuring equipment other than equipment constructed to deliver a fixed quantity only, the prescribed limits of error where the testing relates to a quantity equivalent to the minimum delivery of the equipment shall be those set out in Table 2 in the Schedule as may be appropriate having regard to the dynamic viscosity of the test liquid employed.

(3) Where a quantity indicated by the measuring equipment is larger than the minimum delivery of the equipment, the prescribed limit of error for the quantity shall never be less than that prescribed

for the quantity equivalent to the minimum delivery of the equipment set out in Table 2 as may be appropriate having regard to the dynamic viscosity of the test liquid employed.

(4) In relation to the retesting of any measuring equipment fitted with a price computing device which—

- (a) is, in the opinion of an inspector, only required to be retested as a result of an adjustment of that device occasioned by a change in price; and
- (b) has previously been tested and passed as fit for use for trade (but not since the adjustment was made),

the prescribed limits of error shall be the amounts set out in Table 1 or 2 as appropriate having regard to the dynamic viscosity of the test liquid employed in relation to obliteration of the stamp.

(5) On the testing of any measuring equipment fitted with a price computing device the difference between—

- (a) the price indicated by that device, and
- (b) the price computed on the basis of the unit price and of—
  - (i) the quantity indicated for test purposes, or
  - (ii) where the machine is incapable of indicating the quantity for test purposes, the quantity indicated for use for trade,

shall not exceed the price of the quantity equal to the error in deficiency set out in Table 2 having regard to the dynamic viscosity of the test liquid employed for a quantity equivalent to the minimum delivery of the equipment,—

- (i) in the case of measuring equipment fitted with a price to pay indicating device in analogue form, not being less than the price corresponding to 2mm on the indicated price scale or to one fifth of the indicated price scale interval, whichever is the greater; and
- (ii) in the case of measuring equipment fitted with a price to pay indicating device in digital form, not being less than the price corresponding to two scale intervals of the indicated price,

and in this paragraph “analogue” means capable of assigning any value or position within a continuous range.

### **Measuring equipment imported from another member State or an EEA State**

**16.—**(1) In relation to measuring equipment imported into Northern Ireland from another member State or from an EEA State whether directly or indirectly through Great Britain, subject to paragraph (4), an inspector shall not carry out any test in accordance with the foregoing provisions of this Part if, together with the measuring equipment being imported, he is presented with the requisite documentation.

(2) In this regulation and in regulation 17(2)—

- (a) “requisite documentation” means—
  - (i) the test report of an approved body that the measuring equipment which is the subject of that report has been tested on the same basis as those set out in these Regulations and stating which tests have been applied to it; and
  - (ii) the test results relating to those tests; and
- (b) “EEA State” means a State which is a Contracting Party to the EEA Agreement other than the United Kingdom and in this paragraph “the EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993.

(3) A body is an “approved body” for the purposes of this regulation if it is a body in a member State or in an EEA State which has the responsibility in that State for metrological control of measuring equipment or is a laboratory which has been accredited in a member State or in an EEA State as being a body which conforms with the criteria set out in EN 45001(1).

(4) Nothing in these Regulations shall prevent an inspector testing in accordance with the foregoing provisions of this Part where he is not satisfied—

- (a) as to the authenticity of the test report or the results presented to him; or
- (b) that the test results presented to him are results which in fact relate to the measuring equipment being imported; or
- (c) either—
  - (i) that the measuring equipment being imported has not been dismantled after the tests to which the test report relates were carried out, or
  - (ii) where the measuring equipment being imported has been dismantled after those tests were carried out, that any such dismantling is not likely to have affected its performance.

#### **Passing as fit for use for trade**

17.—(1) Measuring equipment shall not be passed as fit for use for trade—

- (a) unless it complies with all the appropriate requirements of these Regulations;
- (b) unless on testing it measures and delivers the test liquid with which it is tested to within the prescribed limits of error when it is operated at any reasonable speed, the speed of operation in respect of any individual delivery being as uniform as practicable; and
- (c) if, notwithstanding that each error is within the prescribed limits of error set out in Table 1 or 2 in the Schedule as appropriate, having regard to the dynamic viscosity of the test liquid employed, the errors on all the quantities of test liquid indicated by the equipment during the tests are all errors in excess or all errors in deficiency.

(2) In the case of measuring equipment imported from another member State or an EEA State, it shall not be passed as fit for use for trade unless—

- (a) where the requisite documentation is presented in accordance with regulation 16, the test report recites and the test data confirm to the satisfaction of the inspector that on testing in the relevant member State or EEA State it fell within the prescribed limits of error; and
- (b) it complies with all the relevant requirements of these Regulations.

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(1) EN 45001 is a European Standard which has the status of a British Standard; it is identical with BS 7501 (ISBN 0 580 17939 7), “General criteria for the operation of testing laboratories”.