
STATUTORY INSTRUMENTS

1981 No. 231

Weights and Measures (Northern Ireland) Order 1981

PART III

WEIGHING AND MEASURING FOR TRADE

Weighing or measuring equipment for use for trade

9.—(1) The provisions of this Article shall apply to the use for trade of weighing or measuring equipment of such classes or descriptions as may be prescribed.

(2) No person shall use any article for trade as equipment to which this Article applies, or have any article in his possession for such use, unless that article, or equipment to which this Article applies in which that article is incorporated or to the operation of which the use of that article is incidental, has been passed by an inspector^[F1] or approved verifier] as fit for such use and, except as otherwise expressly provided by or under this Order, bears a stamp indicating that it has been so passed which remains undefaced otherwise than by reason of fair wear and tear; and if any person contravenes this paragraph, he shall be guilty of an offence and any article in respect of which the offence was committed shall be liable to be forfeited.

(3) Any person requiring any equipment to which this Article applies to be passed^[F1] by an inspector] as fit for use for trade shall submit the equipment to^[F1] the inspector] in such manner as the Department may direct and, subject to the provisions of this Order and of any regulations made under Article 13 and to the payment by that person of the prescribed fee, the inspector shall—

- (a) test the equipment by means of such Northern Ireland local standards or such Northern Ireland working standards and such testing equipment as he considers appropriate or, subject to any conditions which may be prescribed, by means of other equipment which has already been tested and which the inspector considers suitable for the purpose; and
- (b) if the equipment submitted falls within such limits of error as may be prescribed, except as otherwise expressly provided by or under this Order, cause it to be stamped with the prescribed stamp; and
- (c) if the equipment submitted falls within such limits of error as may be prescribed, and by virtue of paragraph (7) is not required to be stamped as mentioned in sub-paragraph (b), give to the person submitting it a statement in writing to the effect that it is passed as aforesaid;

and each inspector shall keep a record of every such test carried out by him.

^[F1](3A) An approved verifier may (subject to the provisions of this Order, to any regulation under Article 13 and to any conditions included in his approval)—

- (a) test any equipment to which this Article applies by means of other equipment which has already been tested and which the verifier considers suitable for the purpose;
- (b) if the equipment being tested falls within such limits of error as may be prescribed, except as otherwise expressly provided by or under this Order, stamp it with the prescribed stamp; and

- (c) if the equipment being tested falls within such limits of error as may be prescribed, and by virtue of paragraph (7) is not required to be stamped as mentioned in sub-paragraph (b), make a statement in writing to the effect that it is passed fit for use for trade.]

[^{F1}(3B) In this Order “approved verifier”, in relation to weighing or measuring equipment of any class or description, means a person who-

- (a) is for the time being approved under Article 9A in relation to the testing, passing and stamping of weighing or measuring equipment of that class or description; or
- (b) is for the time being approved under the corresponding provisions of the law of Great Britain in relation to the testing, passing and stamping of weighing or measuring equipment of a similar class or description.]

(4) Except as otherwise expressly provided by or under this Order, no weight or measure shall be stamped as mentioned in [^{F1} paragraph (3)(b) or (3A)(b)] unless it has been marked in the prescribed manner with its purported value.

(5) Subject to paragraph (6), where any equipment submitted to an inspector under paragraph (3) is of a pattern in respect of which a certificate of approval granted under Article 10 is for the time being in force, the inspector shall not refuse to pass or stamp the equipment on the ground that it is not suitable for use for trade.

(6) If the inspector is of opinion that the equipment is intended for use for trade for a particular purpose for which it is not suitable, he may refuse to pass or stamp it until the matter has been referred to the Department and it has been established to the satisfaction of the Department that the equipment is suitable for the purpose for which it is intended.

(7) The requirements of paragraphs (2) to (4) with respect to stamping and marking shall not apply to any weight or measure which is too small to be stamped or marked in accordance with those requirements.

(8) Where a person submits equipment to an inspector under this Article, the inspector may require the person to provide the inspector with such assistance in connection with the testing of the equipment as the inspector reasonably considers it necessary for the person to provide and shall not be obliged to proceed with the test until the person provides it; but a failure to provide the assistance shall not constitute an offence under Article 42.

(9) If an inspector refuses to pass as fit for use for trade any equipment submitted to him under this Article and is requested by the person by whom the equipment was submitted to give reasons for the refusal, the inspector shall give to that person a statement of those reasons in writing.

(10) In the case of any equipment which is required by regulations made under Article 13 to be passed and stamped under this Article only after it has been installed at the place where it is to be used for trade, if after the equipment has been so passed and stamped it is dismantled and reinstalled, whether in the same or some other place, it shall not be used for trade after being so reinstalled until it has again been passed under this Article.

(11) If any person—

- (a) knowingly uses that equipment in contravention of paragraph (10), or
- (b) knowingly causes or permits any other person so to use it, or
- (c) knowing that the equipment is required by virtue of paragraph (10) to be again so passed disposes of it to some other person without informing him of that requirement,

he shall be guilty of an offence and the equipment shall be liable to be forfeited.

(12) Any equipment to which this Article applies which has been duly stamped before 25th October 1967 under any enactment repealed by the Weights and Measures Act (Northern Ireland) 1967 shall be treated for the purposes of this Order as if it had been duly stamped under this Article.

(13) If at any time the Department is satisfied that, having regard to the law for the time being in force in, or in any part of, Great Britain, any of the Channel Islands or the Isle of Man, it is proper so to do, the Department may by order provide for any equipment to which this Article applies duly stamped in accordance with that law, or treated for the purposes of that law as if duly stamped in accordance with that law, to be treated for the purposes of this Order as if it had been duly stamped in Northern Ireland under this Article.

F1 2000 c. 5(NI)

Changes to legislation:

There are currently no known outstanding effects for the Weights and Measures (Northern Ireland) Order 1981, Section 9.