1979 No. 466

WEIGHTS AND MEASURES

Cubic Measures (Sand, Ballast and Agricultural Materials) Regulations (Northern Ireland) 1979

Made . . . . . 31*st December* 1979

Coming into operation . . . 1*st February* 1980

The Department(a) of Commerce, in exercise of the powers conferred on it by sections 5(3), 7(1), 8(1) and 41(1) of, and paragraph 4 of Part I of Schedule 3 and paragraph 3 of Part III of Schedule 5 to, the Weights and Measures Act (Northern Ireland) 1967(b) (hereinafter called "the Act") and of every other power enabling it in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Cubic Measures (Sand, Ballast and Agricultural Materials) Regulations (Northern Ireland) 1979 and shall come into operation on 1st February 1980.

Revocation

2. The Cubic Measures (Sand, Ballast and Agricultural Materials) Regulations (Northern Ireland) 1971(c) are hereby revoked.

Interpretation

3. In these Regulations—

"agricultural materials" means any of the materials mentioned in paragraph 1 of Part III of Schedule 5 to the Act, that is to say—

(*a*) agricultural liming materials, other than calcareous sand;

(*b*) agricultural salt;

(*c*) inorganic fertilisers and mixtures consisting mainly of inorganic fertilisers, other than such fertilisers or such a mixture made up into pellets or other articles for use as individual items; and

(*d*) any mixture of any of the foregoing;

"ballast" means any of the materials mentioned in paragraph 1 of Part I of Schedule 3 to the Act, that is to say—

(*a*) sand, gravel, shingle, ashes and clinker of any description;

(*b*) broken slag, slag chippings, granite chippings, limestone chippings, slate chippings and other stone chippings (including such materials which have been coated with tar, bitumen or cement);

(*c*) any other material commonly used in the building and civil engineering industries as a hardcore or an aggregate; and

(*d*) any other material commonly known in the said industries as ballast;

(a) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8(1)
(b) 1967 c. 6 (N.I.)
(c) S.R. & O. (N.I.) 1971 No. 116 (p. 579)

"brim measure" means any measure designed to measure only the quantity which it holds when filled to the brim;

"measure of an approved pattern" means a measure conforming with a pattern which is the subject of a current certificate of approval issued or deemed to have been issued under section 6 of the Act or conforming with such a pattern modified in accordance with an authorisation for the time being in force under the said section 6 and references to conformity with a pattern shall be construed accordingly;

"prescribed measure" means any measure prescribed by Regulation 4 hereof; and

the abbreviations of, and symbols for, units of measurement used in these Regulations refer to the relevant units mentioned in Schedule 1.

Prescription of cubic measures for purposes of section 5 of the Act

4. All measures for measuring sand, ballast and agricultural materials by volume are hereby prescribed pursuant to section 5(1) of the Act.

Construction, form and sizes of brim measures

5.—(1) Prescribed brim measures shall be constructed to measure only one of the following quantities, that is to say—

(*a*) 0.2 m^3 or a multiple thereof not exceeding 1 m^3; or

(*b*) 0.5 m^3.

(2) Unless made in accordance with an approved pattern, any such measure shall—

(*a*) have a smooth and level floor and sides with smooth interiors perpendicular to the floor;

(*b*) be constructed of durable materials and be of sufficient thickness or so reinforced as to remain rigid when in use;

(*c*) have its adjacent sides set at right angles to each other;

(*d*) not have any side shorter than 75 cm; and

(*e*) if made of a hard metal, have a soft metal plug on the exterior immediately below the brim to accommodate a stamp.

(3) Any such measure, if it has detachable sides, shall—

(*a*) have on all the component parts a common mark intended to ensure that the correct parts are employed in assembling the measure;

(*b*) have a base which projects at least 2.5 cm beyond the sides and is in contact with the lower edges of the sides at all points; and

(*c*) be so designed as to preclude incorrect assembly.

Construction, form, etc., of other measures

6.—(1) A prescribed measure, other than a brim measure or measure of an approved pattern, shall be sufficiently strong to stand the wear and tear of use and to remain rigid when in use and shall not—

(*a*) have a false bottom;

(*b*) have internal surfaces or projections therefrom which impede its ready discharge; and

(*c*) be constructed in a manner which facilitates fraud.

(2) Subject to paragraph (3) such a measure shall have four sides and a base and the angles between the sides and the base and between the adjoining sides shall all be 90 degrees.

(3) A measure which has one pair of sides longer than the other may—

(*a*) taper in width by up to 10 per cent; and

(*b*) have its longer sides curved into the base (and the corners of the other sides rounded accordingly) provided that the effect is not to reduce the width of the base to less than three-quarters of the width at the top.

(4) Such a measure shall be assembled in a permanent manner so that neither its form nor its volume may be changed in the course of trade; but this requirement shall not preclude any side or sides being so hinged as to swing outwards to facilitate discharge.

Calibration

7. No measure to which Regulation 6 applies shall be calibrated, in the manner described in Regulations 8 and 9, to indicate any quantity other than 0.2 m^3 or a multiple thereof. Such measures shall be calibrated to indicate quantities up to and including the maximum purported content as follows—

(*a*) measures of a maximum purported content of less than 4 m^3, as respects 0.2 m^3 and every multiple thereof;

(*b*) measures of 4 m^3 or more, at least as respects every multiple of 1 m^3 which is not less than half the maximum purported content and, where half the maximum purported content is not a whole number of cubic metres, as respects the nearest lower multiple of 1 m^3 and, where the measure is calibrated to indicate a quantity which is not a whole number of cubic metres and is less than the greatest number of whole cubic metres that the measure will contain, as respects every multiple of 0.2 m^3 between the nearest higher and lower multiple of 1 m^3; and

(*c*) measures of a maximum purported content which exceeds 4 m^3 but is not a whole number of cubic metres, as respects every multiple of 0.2 m^3 which exceeds the greatest number of whole cubic metres which the measure will contain.

Calibration strips

8.—(1) Calibration shall be effected by marking in the manner described in Regulation 9 a pair of metal strips (hereinafter referred to as "calibration strips").

(2) A calibration strip shall be of truncated triangular cross section of which—

(*a*) the back shall be at least 35 mm wide;

(*b*) the angle between the sides and the back shall be not less than 50 degrees nor more than 70 degrees; and

(*c*) the distance between the front and back shall be at least 12 mm.

(3) One calibration strip shall be firmly attached to the interior of each of two opposing sides of the measure in a vertical position near to the centre of the side.

(4) Each calibration strip shall be attached to the measure by bolts or rivets and shall, in addition, have a slot cut into the front to retain the head of a tee-bolt.

(5) A metal sealing box generally conforming with the appropriate pattern depicted in Schedule 2 shall be secured to the exterior of the measure by a nut threaded on to the tee-bolt mentioned in paragraph (4). The sealing box on each calibration strip shall have sides about 25 mm long.

(6) Each sealing box shall be further fixed to the exterior of the measure by at least two screws or pins so as to preclude the rotation of the box.

(7) Every sealing box shall be filled with lead to prevent the removal of the nut or bolt mentioned in paragraph (5).

Marking of calibration strips

9.—(1) Calibrations on calibration strips shall be marked as follows—

(*a*) in the case of a calibration indicating 1 m^3 or a multiple thereof, by horizontal milled recesses at least 3 mm wide cut across the full width of both the tapered sides of the strip; and

(*b*) in the case of a calibration indicating any other quantity, by such a recess cut across the full width of the front of the strip.

(2) The said recesses shall be so cut that the lower edges of the corresponding recesses on the pair of strips are in the same horizontal plane and indicate the quantity held by the measure when filled level with those lower edges.

(3) There shall be cut into every calibration strip between the marks indicating a whole number of cubic metres a figure or figures indicating the number thereof and no such figure shall be less than 20 mm high or cut less than 2 mm into the strip.

(4) Every calibration strip shall bear an indication of the distance from the bottom of the measure immediately below the strip to the indication of the purported maximum content, that is to say, the lower edge of the topmost calibration mark. Such indication shall comprise the letter 'M' followed by figures indicating the distance in centimetres and the letters 'CM', marked in the manner illustrated in Schedule 2.

Marking

10.—(1) Every prescribed measure shall have marked durably and conspicuously upon the exterior of one of its sides its purported maximum content and, where the measure forms part of a vehicle, the marking shall be on the near side.

(2) The marking shall—

(*a*) be upon a plain background in a colour which is in distinct contrast to the background; and

(*b*) comprise the number of units expressed in figures and an indication of the units of measurement.

(3) Units of measurement shall be marked in full or by the symbol 'm^3'.

(4) The characters employed in marking shall be at least 25 mm high and 10 mm wide; but the symbol 'm^3' shall not be regarded for the purpose of this paragraph as forming more than one character.

Testing

11.—(1) Prescribed measures shall only be tested if they are clean and complete.

(2) Such measures shall be tested—

(*a*) by calculation based on the internal measurements; or

(*b*) by transferring chippings or similar material from a brim measure the volume of which has been ascertained by calculation; or

(*c*) by a combination of these methods.

(3) The accuracy of all the calibrations on a calibrated measure shall be tested.

12. A prescribed measure shall not be passed as fit for use for trade if—

(*a*) it bears any mark which might erroneously be regarded as a calibration mark or as an inspector's stamp; or

(*b*) it does not comply with any other relevant requirement of these Regulations; or

(*c*) in the case of a measure of an approved pattern, it does not conform with the pattern; or

(*d*) it is not within the prescribed limits of error.

Prescribed limits of error

13. The limits of error as respects prescribed measures shall be the following:—

Purported indication of quantity	Limit of error—(in excess only)
0.2 m^3, 0.4 m^3, 0.5 m^3 or 0.6 m^3	25 cubic decimetres
any quantity exceeding 0.6 m^3	8 cubic decimetres for each 0.2 m^3 of the indicated quantity

Stamping

14.—(1) Prescribed measures of an approved pattern shall be stamped in any manner envisaged in the pattern.

(2) Except where paragraph (1) applies, prescribed measures shall be stamped on the lead filling of each of the sealing boxes or, if brim measures, shall be stamped or branded, as appropriate, on the outside near the brim above or below the indication of content.

Obliteration of stamps

15.—(1) Subject to paragraph (2), where a prescribed measure—

(*a*) fails upon testing to fall within the prescribed limits of error; or

(*b*) appears to have been so altered, adjusted or repaired that its accuracy is likely to have been affected; or

(*c*) does not comply with the relevant requirements of these Regulations; or

(*d*) by reason of any alteration or addition since it was last stamped is such that it could not be passed as fit for use for trade,

an inspector shall obliterate the stamp on the measure by superimposing thereon with pincers or punch a design in the form of a six-pointed star.

(2) Where the nature or degree of non-compliance does not warrant the obliteration of the stamp the inspector shall serve on the person using the measure for trade a notice requiring him to take steps to ensure that it does comply before the expiry of such period, not exceeding 28 days, as may be specified in the notice.

(3) Where any notice given under paragraph (2) is not duly complied with, the inspector shall obliterate the stamp on the relevant measure.

Sealed with the Official Seal of the Department of Commerce for Northern Ireland on 31st December 1979.

(L.S.) *W. T. McCrory*
Assistant Secretary

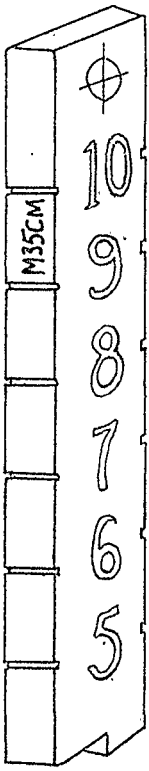
SCHEDULE 1 Regulation 3

SYMBOLS AND ABBREVIATIONS

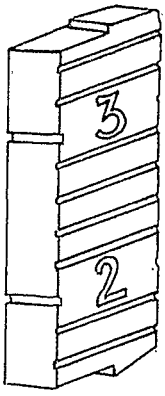
cubic metre	m^3
millimetre	mm
centimetre	cm

Calibration strips

(*a*) only if 4 m³ or over

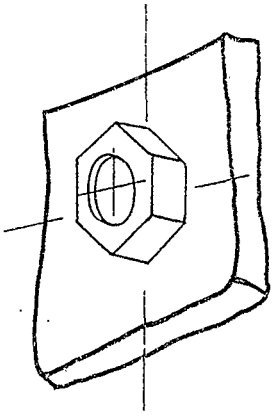


(*b*) obligatory under 4 m³

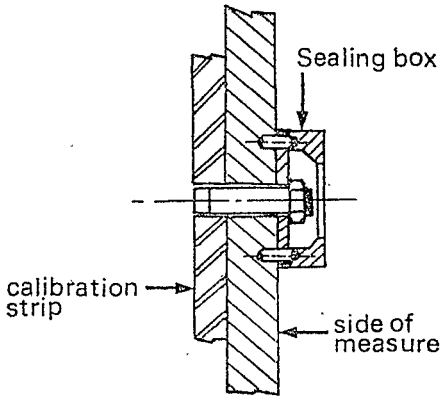


Sealing boxes

(*a*) general view of the box



(*b*) cross section of a sealing box showing the nut and bolt securing the box



EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations replace the Cubic Measures (Sand, Ballast and Agricultural Materials) Regulations (Northern Ireland) 1971 (S.R. & O. 1971 No. 116).

The principal change made by these Regulations is the deletion of all references to imperial measures, consequent on the requirement (inter alia) in Council Directive No. 71/354/EEC (O.J. No. L243, 29.10.1971, p. 29) as amended by Council Directive No. 76/770/EEC (O.J. No. L262, 27.9.1976, p. 204) that the cubic yard is no longer authorised for use in the circumstances specified in Article 2 of Directive No. 71/354/EEC. The cubic yard ceased to be a lawful unit of measurement on 1st January 1979 by virtue of the Units of Measurement Regulations 1978 (S.I. 1978 No. 484).