

1985 No. 267

WEIGHTS AND MEASURES

Measuring Equipment (Liquid Fuel and Lubricants) (Amendment) Regulations (Northern Ireland) 1985

Made 4th October 1985

Coming into operation 11th November 1985

The Department of Economic Development, in exercise of the powers conferred by Articles 9(1) and (3), 10(6) and 13(1) of the Weights and Measures (Northern Ireland) Order 1981(a) and now vested in it(b) 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 Measuring Equipment (Liquid Fuel and Lubricants) (Amendment) Regulations (Northern Ireland) 1985 and shall come into operation on 11th November 1985.

Amendment of the Measuring Equipment (Liquid Fuel and Lubricants) Regulations (Northern Ireland) 1983

2. The Measuring Equipment (Liquid Fuel and Lubricants) Regulations (Northern Ireland) 1983(c) shall be amended as follows:—

(a) after Regulation 2, there shall be added the following Regulation:—

“Prohibition on use of equipment for trade

2A. No person shall on or after 1st August 1986 use for trade any measuring equipment fitted with a price to pay indicating device in digital form if it indicates during a measuring operation a part of a penny in the amount of the price to be paid by the buyer.”;

(b) for Regulation 16 there shall be substituted the following Regulation:—

“Prescribed limits of error

16.—(1) Subject to paragraphs (2) to (7), the prescribed limits of error relating to any measuring equipment shall be those set out in Table 1 in the Schedule.

(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.

(3) Where a quantity indicated by the measuring equipment is larger than the minimum delivery of the equipment, then the prescribed limits of error for the said quantity shall never be less than that prescribed for the quantity equivalent to the minimum delivery of the equipment set out in the said Table 2.

(4) If, on testing with a view to passing as fit for use for trade, the errors on all the quantities of individual grades of liquid fuel indicated by the measuring equipment during the tests are all errors in excess or all errors in deficiency then, notwithstanding that they are all within the prescribed limits of error set out in the

(a) S.I. 1981/231 (N.I. 10)

(b) By S.I. 1982/846 (N.I. 11) Art. 4

(c) S.R. 1983 No. 369

said Table 1 or Table 2 as appropriate, at least one error in respect of each individual grade shall not exceed either—

- (a) one half of the prescribed limits of error set out in the said Table 1 or Table 2 as appropriate; or
- (b) 0.3% of the quantity indicated,

whichever is the greater.

(5) 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 said adjustment was made),

the prescribed limits of error shall be the amounts set out in the said Table 1 or 2 as appropriate in relation to obliteration of the stamp.

(6) In relation to the retesting of any measuring equipment fitted with a price to pay indicating device in digital form which—

- (a) is, in the opinion of an inspector, only required to be retested as a result of an adjustment of that device to prevent it from being capable of indicating during a measuring operation a part of a penny in the amount of the price to be paid by the buyer; and
- (b) has previously been tested and passed fit for use for trade (but not since the said adjustment was made),

the prescribed limits of error upon the first retesting of that equipment with a view to its being passed as fit for use for trade shall be those set out in the said Table 1 or 2 as appropriate in relation to obliteration of the stamp.

(7) In relation to the retesting of any measuring equipment converted to indicate the quantity delivered in metric units which—

- (a) is, in the opinion of an inspector, only required to be retested as a result of such conversion; and
- (b) has previously been tested and passed as fit for use for trade (but not since the said conversion was made),

the prescribed limits of error upon the first retesting of that equipment with a view to its being passed as fit for use for trade shall be those set out in the said Table 1 or 2 as appropriate in relation to obliteration of the stamp.

(8) On the testing of any measuring equipment fitted with a price computing device the difference between the price indicated by that device and the price computed on the basis of the unit price and of the quantity indicated for test purposes shall not exceed the price of the quantity equal to the error in deficiency set out in the said Table 2 for a quantity equivalent to the minimum delivery of the equipment in relation to obliteration of the stamp.'';

(c) Regulation 17 shall be renumbered Regulation 17(1), after which the following paragraph shall be added:—

“(2) No measuring equipment fitted with a price to pay indicating device in digital form shall first be passed as fit for use for trade if it is capable of indicating during a measuring operation a part of a penny in the amount of the price to be paid by the buyer.”;

(d) for Regulation 21 there shall be substituted the following Regulation:—

“Inspectors’ powers and duties regarding obliteration of stamps

21.—(1) Subject to paragraph (2), an inspector shall obliterate the stamp on any measuring equipment which—

- (a) fails upon testing to fall within the prescribed limits of error in relation to obliteration of the stamp set out in Table 1 or 2 in the Schedule as appropriate to the case, or
- (b) fails to comply with any other appropriate requirement of these Regulations.

(2) Where any measuring equipment does not fully comply with the requirements of these Regulations, but the nature or degree of the non-compliance is not in the inspector's opinion such as to require the immediate obliteration of the stamp, he shall give to the proprietor or person in charge of the equipment a notice calling on him to have the equipment corrected within a stated period, not exceeding 28 days, and shall obliterate the stamp if the correction has not been made within the stated period.

(3) Subject to paragraph (5), an inspector shall obliterate the stamp on any measuring equipment which has, since it was last stamped, had any alteration or addition made to it such that it could not be passed as fit for use for trade under Regulation 17.

(4) Without prejudice to the provisions of paragraph (3), where any measuring equipment has, since it was last stamped, been the subject of any adjustment, alteration, addition, repair or replacement which could have affected its accuracy or function the inspector may obliterate the stamp on that equipment.

(5) Nothing in paragraph (3) shall require an inspector to obliterate a stamp on any measuring equipment fitted with a price to pay indicating device in digital form if he is satisfied that it has been altered or adjusted solely to prevent the indication during a measuring operation of a part of a penny in the amount of the price to be paid by the buyer."; and

- (e) in the Schedule, for Tables 1 and 2 there shall be substituted the following Tables:—

“TABLE 1

(Prescribed limits of error for quantities other than the equivalent to the minimum delivery of the equipment and ordinarily applicable upon testing)

<i>Quantity indicated</i>	<i>In relation to passing as fit for use for trade, in excess or in deficiency</i>	<i>In relation to obliteration of the stamp</i>
0.2 litre to 0.4 litre	4 millilitres	8 millilitres in excess. 4 millilitres in deficiency.
From 0.4 litre to 0.6 litre	1% of the quantity indicated	2% of the quantity indicated in excess. 1% of the quantity indicated in deficiency.
From 0.6 litre to 1 litre	6 millilitres	2% of the quantity indicated in excess. 1% of the quantity indicated in deficiency.

<i>Quantity indicated</i>	<i>In relation to passing as fit for use for trade, in excess or in deficiency</i>	<i>In relation to obliteration of the stamp</i>
From 1 litre to 2 litres	6 millilitres	20 millilitres in excess. 10 millilitres in deficiency.
2 litres or more	0.3% of the quantity indicated	1% of the quantity indicated in excess. 0.5% of the quantity indicated in deficiency.

TABLE 2

(Prescribed limits of error for quantities equivalent to the minimum delivery of the equipment and ordinarily applicable upon testing)

<i>Minimum delivery</i>	<i>In relation to passing as fit for use for trade, in excess or in deficiency</i>	<i>In relation to obliteration of the stamp</i>
0.2 litre to 0.4 litre	8 millilitres	16 millilitres in excess. 8 millilitres in deficiency.
From 0.4 litre to 0.6 litre	2% of indicated minimum delivery	4% of indicated minimum delivery in excess. 2% of indicated minimum delivery in deficiency.
From 0.6 litre to 1 litre	12 millilitres	4% of indicated minimum delivery in excess. 2% of indicated minimum delivery in deficiency.
From 1 litre to 2 litres	12 millilitres	40 millilitres in excess. 20 millilitres in deficiency.
2 litres or more	0.6% of indicated minimum delivery	2% of indicated minimum delivery in excess. 1% of indicated minimum delivery in deficiency.

Sealed with the Official Seal of the Department of Economic Development on 4th October 1985.

(L.S.)

Margaret L. Johnston

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Measuring Equipment (Liquid Fuel and Lubricants) Regulations (Northern Ireland) 1983 ("the principal Regulations"). They take account of the demonetisation of the halfpenny in so far as they relate to certain measuring equipment for measuring liquid fuel and lubricants fitted with a price to pay indicating device in digital form as follows—

- (a) no equipment which indicates a price to pay including a part of a penny shall be used for trade on or after 1st August 1986 (Regulation 2(a));
- (b) Regulation 2(b) substitutes a new Regulation 16 of the principal Regulations which provides that where equipment has been adjusted to take account of the demonetisation of the halfpenny and it is only required to be retested as a result of that adjustment to prevent it from remaining capable of indicating a price to pay which includes a part of a penny, the permitted limits of error upon the first retesting of the equipment with a view to its being passed as fit for use for trade shall be those appropriate to obliteration of the stamp;
- (c) no equipment which is capable of indicating a price to pay including a part of a penny shall first be passed as fit for use for trade (Regulation 2(c)); and
- (d) Regulation 2(d) substitutes a new Regulation 21 of the principal Regulations to provide that the rules as to the obliteration of stamps on equipment which has been modified to take account of the demonetisation of the halfpenny are relaxed if the modification has been made solely to prevent the indication of a part of a penny in the amount of the price to be paid.

The Regulations also reduce certain of the permitted limits of error in relation to passing measuring equipment as fit for use for trade. New Tables 1 and 2 of the principal Regulations are substituted by Regulation 2(e).

Contravention of Regulation 2A of the principal Regulations is an offence under Article 13(1) of the Weights and Measures (Northern Ireland) Order 1981. The penalty on summary conviction for this offence is a fine not exceeding £400 and the measuring equipment in respect of which the offence is committed is liable to forfeiture.