

1989 No. 169

WEIGHTS AND MEASURES

Measuring Equipment (Liquid Fuel and Lubricants) Regulations
(Northern Ireland) 1989

Made 5th May 1989

Coming into operation 12th June 1989

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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:

PART I

GENERAL

Citation, commencement, interpretation and revocation

1.—(1) These Regulations may be cited as the Measuring Equipment (Liquid Fuel and Lubricants) Regulations (Northern Ireland) 1989 and shall come into operation on 12th June 1989.

(2) In these Regulations—

“certificate of approval” means a certificate of approval of a pattern of measuring equipment granted or renewed by the Department of Economic Development under Article 10 of the Order or any instrument having effect under Article 11(5) of the Order as if it were a certificate of approval so granted on 4th April 1979 or a certificate of approval of a pattern of measuring equipment deemed under Article 10(8) of the Order to have been granted and published under the provisions of the said Article 10;

“digital” means capable of assigning only certain discrete values or positions within a continuous range by a series of discontinuous steps;

“grade” in relation to any petrol means one of the following grades, that is to say, 2 star, 3 star or 4 star as mentioned in the British Standard Specification for leaded petrol (gasoline) for motor vehicles B.S. 4040: 1985 published by the British Standards Institution on 31st May

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

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

1985(a) or, as the case may be, Premium or Regular as mentioned in the British Standard Specification for unleaded petrol (gasoline) for motor vehicles B.S. 7070: 1985 published by the British Standards Institution on 31st October 1985(b);

“liquid fuel” includes liquid fuel, lubricants and any mixture of liquid fuel and lubricants;

“measuring equipment” means any equipment for measuring volume other than a capacity measure (“the main equipment”) and includes in each case so far as it constitutes measuring equipment for the purposes of the Order, ancillary equipment associated with the main equipment and other equipment physically or otherwise connected to the main equipment whether or not such equipment has been so connected to ensure correct measurement or is intended to facilitate the operation of the main or any ancillary equipment;

“minimum delivery” means the smallest quantity of liquid fuel which the measuring equipment is designed to measure;

“notice of examination” means a notice caused to be published by the Secretary of State giving particulars of a pattern in respect of which a certificate of approval has been granted;

“the Order” means the Weights and Measures (Northern Ireland) Order 1981;

“prescribed limits of error” has the meaning set out in regulation 15; and

“the stamp” means the stamp prescribed by the Weights and Measures (Prescribed Stamp) Regulations (Northern Ireland) 1969(c).

(3) The Measuring Equipment (Liquid Fuel and Lubricants) Regulations (Northern Ireland) 1983(d) and the Measuring Equipment (Liquid Fuel and Lubricants) (Amendment) Regulations (Northern Ireland) 1985(e) are hereby revoked.

Application of Regulations and prescription of equipment

2.—(1) Subject to paragraph (2), these Regulations shall apply to all measuring equipment for use for trade in the making of any measurement of liquid fuel in a quantity not exceeding 20 gallons if it is constructed to measure in imperial units, or 100 litres if it is constructed to measure in metric units, other than equipment for use for trade in the making of any measurement of liquefied petroleum gas; and measuring equipment to which these Regulations apply is hereby prescribed for the purposes of Article 9(1) of the Order.

(2) These Regulations shall not apply to any measuring equipment for use for the measurement by capacity of liquid fuel in a quantity not exceeding 100 litres which, in accordance with a programme of automatic control and without the intervention of an operator during the measuring process, measures quantities of liquid fuel to a constant nominal capacity, the quantities being kept separate.

(a) ISBN 0 580 14463 1

(b) ISBN 0 580 14714 2

(c) S.R. & O. (N.I.) 1969 No. 11

(d) S.R. 1983 No. 369

(e) S.R. 1985 No. 267

PART II

PRINCIPLES OF CONSTRUCTION AND MARKING OF MEASURING EQUIPMENT

Construction of certain equipment

3. All measuring equipment fitted with a price to pay indicating device in digital form shall be so constructed that it cannot indicate during a measuring operation a part of a penny in the amount of the price to be paid by the buyer.

Approved patterns of construction and identification marks

4.—(1) All measuring equipment shall be made in accordance with a pattern in respect of which a certificate of approval is in force.

(2) Subject to paragraph (3), measuring equipment submitted for testing with a view to passing as fit for use for trade shall be legibly and durably marked with the number of the certificate of approval or of the notice of examination, preceded by the words “Certification No.” or “Cert. No.” or “Notice No.” or “DED Certification No.” or “DED Cert. No.” as the case may be.

(3) Paragraph (2) shall not apply to any measuring equipment which was first submitted for testing before 1st May 1982.

Arrangement of sales indicator

5. Every individual sales indicator fitted to measuring equipment shall be so arranged that—

- (a) the indicator reading is capable of being set to zero before a delivery commences; and
- (b) the indicator reading cannot be advanced by any means other than by the proper operation of the equipment.

Display of information to the buyer

6.—(1) Subject to paragraphs (2) and (3), all measuring equipment which forms part of a fixed installation shall be so positioned that a buyer may readily obtain a clear unobstructed view—

- (a) of all the operations carried out by any other person using the equipment to measure the liquid fuel being supplied to the buyer; and
- (b) of any device on the equipment which is designed to indicate to the buyer the quantity supplied or the amount payable or that delivery is being effected.

(2) Paragraph (1) shall not apply to any equipment for use only for measuring kerosene except where the equipment is—

- (a) situated on premises where petrol is sold; or
- (b) used for measuring kerosene in the course of delivery into the fuel tanks of vehicles.

(3) Paragraph (1) shall not apply to any equipment normally used for the measurement of lubricants in the absence of the buyer.

Manner of use for trade

7. All measuring equipment shall be used for trade in such a manner that every individual sales indicator shall be set to zero before a delivery commences.

PART III

TESTING

Testing under practical working conditions

8. All measuring equipment shall be tested by an inspector under practical working conditions with the liquid fuel that the equipment is intended to deliver.

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 permanently fixed equipment

10. 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 completely erected ready for use and installed at the place where it is to be used.

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 liquid fuel has first been passed through the equipment.

(2) Paragraph (1) shall not apply to equipment used for the measurement of such liquid fuel where the delivery system remains permanently full up to the outer extremity of the discharge hose.

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

Power of inspector to request provision of liquid fuel 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 liquid fuel and other equipment in his possession as the inspector may reasonably require, and such liquid fuel 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 liquid fuel

withdrawn during testing, and any liquid fuel so withdrawn shall, upon the conclusion of the test, be forthwith 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; otherwise, it shall be placed in another suitable receptacle reasonably convenient for the purpose and nominated and provided by the proprietor or person in charge of the equipment.

(2) The inspector, if requested, shall give to the proprietor or person in charge of the said equipment a signed and dated statement of the quantity of such liquid fuel 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 liquid fuel withdrawn during testing or its placing in another receptacle; and for this purpose he shall replace any seal or link broken by him in opening the said tank or container with a seal upon which he shall affix the stamp.

Prescribed limits of error

15.—(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 said Table 1 or 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 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 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 shall be the amounts set out in the said Table 1 or 2 as appropriate in relation to obliteration of the stamp.

(7) 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.

Passing as fit for use for trade

16. Measuring equipment shall not be passed as fit for use for trade unless—

- (a) it complies with all the appropriate requirements of these Regulations; and

- (b) on testing it measures and delivers the liquid fuel 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.

PART IV

STAMPING

Provision of stamping and sealing devices on equipment

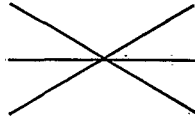
17. All measuring equipment shall be provided with one or more plugs, seals or sealing devices in order to protect all stops or other adjustable parts affecting the quantity delivered, such plugs, seals or sealing devices to be as described in any certificate of approval relating to it and which is in force or in any notice of examination; and the stamp shall be placed on all such plugs, seals or sealing devices.

Restriction on stamping

18. Measuring equipment shall not be stamped in accordance with regulation 17 if it bears any mark which might reasonably be mistaken for the stamp.

Obliteration of stamps

19. Stamps shall be obliterated by an inspector, in accordance with the requirements of these Regulations, by means of punches or pincers of suitable sizes of a six-pointed star design as shown in the following illustration:

*Powers and duties of inspector regarding obliteration of stamps*

20.—(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) 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 16.

(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.

Consequence of the obliteration, destruction or defacement of a stamp

21. For the purposes of these Regulations, the obliteration, destruction or defacement of any one stamp on any measuring equipment shall be deemed to be the obliteration of all other stamps on that equipment, except where the stamp has been lawfully destroyed, obliterated or defaced under regulation 22 or 23.

Lawful use for trade of equipment where stamps destroyed, obliterated or defaced for purposes of price adjustment

22.—(1) It shall be lawful to destroy, obliterate or deface a stamp on any measuring equipment, and it shall not be a contravention of Article 9(2) of the Order to use such equipment for trade during the relevant period by reason only that a stamp on it has been lawfully destroyed, obliterated or defaced (such destruction, obliteration or defacement being in this regulation referred to as "the occurrence") if—

- (a) the person responsible for the occurrence is, or is the duly authorised agent of, the proprietor of the equipment or a person who is the manufacturer, or is regularly engaged in the repair of equipment for measuring liquid fuel;
- (b) the occurrence was confined to the stamp protecting the price computing device of the equipment and the stamp on the indicator of the price per gallon (or per half a gallon or per litre as the case may be);
- (c) the occurrence was only to permit an adjustment of that device and that indicator; and
- (d) notification in writing complying with paragraph (2) of the occurrence has been given by the proprietor of the equipment or his duly authorised agent before the occurrence to the chief inspector of weights and measures.

(2) The notification referred to in paragraph (1) shall contain the following information—

- (a) the location of, and particulars by which, the equipment may be identified;
- (b) the intended date of the occurrence;
- (c) the business name and address of the proprietor or other person referred to in paragraph (1)(a); and
- (d) the name and address of the person giving the notification.

(3) In paragraph (1) “relevant period” means a period of 28 days beginning with the day on which the notification referred to in that paragraph is given in accordance with that paragraph.

Lawful use for trade of equipment where stamps destroyed, obliterated, or defaced for purposes of metrication of equipment

23.—(1) It shall be lawful to destroy, obliterate or deface a stamp on any measuring equipment, and it shall not be a contravention of Article 9(2) of the Order to use such equipment for trade during the relevant period by reason only that a stamp on it has been lawfully destroyed, obliterated or defaced (such destruction, obliteration or defacement being in this regulation referred to as “the occurrence”) if—

- (a) the person responsible for the occurrence is, or is the duly authorised agent of, a person who is the manufacturer, or is regularly engaged in the repair of equipment for measuring liquid fuel;
- (b) the occurrence was only to facilitate or permit the adaptation of the equipment to measure in metric quantities;
- (c) where the occurrence relates to the stamp on the measuring equipment protecting the calibration of the measuring device, the person responsible for the occurrence has attached to the equipment some seal or other device which must be defaced or removed before the calibration of the measuring device can be adjusted; and
- (d) notification in writing complying with paragraph (2) of the occurrence has been given by the proprietor of the equipment or his duly authorised agent before the occurrence to the chief inspector of weights and measures.

(2) The notification referred to in paragraph (1) shall contain the following information—

- (a) the location of, and particulars by which, the equipment may be identified;
 - (b) the intended date of the occurrence;
 - (c) the business name and address of the person referred to in paragraph (1)(a);
 - (d) the name and address of the person giving the notification; and
 - (e) whether the occurrence is of a type mentioned in paragraph (3)(a) or (3)(b).
- (3) In paragraph (1) ‘‘relevant period’’ means—
- (a) where the stamp on the measuring equipment protecting the calibration of the measuring device remains intact and notification has been given in accordance with that paragraph of the fact that some other stamp has been destroyed, obliterated or defaced, a period of 28 days beginning when notification is so given; or
 - (b) where the stamp on the measuring equipment protecting the calibration of the measuring device has been destroyed, obliterated or defaced and notification of the destruction, obliteration or defacement of that stamp has been given in accordance with that paragraph, a period of 5 days beginning when notification is so given.

Sealed with the Official Seal of the Department of Economic Development on 5th May 1989.

(L.S.)

R. G. Smartt

Assistant Secretary

SCHEDULE

regulations 15 and 20

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.
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.

(This note is not part of the Regulations.)

These Regulations replace the Measuring Equipment (Liquid Fuel and Lubricants) Regulations (Northern Ireland) 1983 (the "1983 Regulations"), as amended. They apply to all measuring equipment for use for trade in the making of any measurement of liquid fuel or lubricants or any mixture of such fuel and lubricants in a quantity not exceeding 20 gallons or 100 litres (other than capacity measures, equipment designed for automatic measurement of equal quantities of liquid fuel in a quantity not exceeding 100 litres and equipment used for the measurement of liquefied petroleum gas). They make provision as to the principles of construction and marking of measuring equipment, the inspection, testing, passing as fit for use for trade and stamping of such equipment (and obliteration of stamps on such equipment), and prescribe limits of error. The Regulations prescribe such equipment for the purposes of Article 9(1) of the Weights and Measures (Northern Ireland) Order 1981 so that it is unlawful to use it for trade purposes unless it has been tested, passed as fit for such use and stamped by an inspector of weights and measures.

The Regulations revoke the 1983 Regulations and the Measuring Equipment (Liquid Fuel and Lubricants) (Amendment) Regulations (Northern Ireland) 1985.

The Regulations repeat the provisions of the 1983 Regulations, as amended, subject to the following changes of substance—

- (a) the definition of "grade" has been amended to refer to the revised British Standard Specification for leaded petrol and to include the Specification for unleaded petrol (regulation 1(2));
- (b) equipment fitted with a price to pay indicating device in digital form must be constructed so that it cannot indicate during a measuring operation a part of a penny in the price to be paid by the buyer (regulation 3);
- (c) provisions concerning the marking of the name of the manufacturer on equipment and the manner of marking of the method of operation of equipment have been omitted;
- (d) provision has been included for equipment which is necessary for an inspector to carry out his functions to be made available (regulation 12); and
- (e) provisions concerned with the conversion of equipment from halfpenny rounding to penny rounding in the price to pay as a result of the demonetisation of the halfpenny have been omitted, as this process has been completed.

Contravention of regulation 6 or 7 is an offence under Article 13(1) of the Weights and Measures (Northern Ireland) Order 1981. It is also an offence under Article 9(2) of that Order for a person to use for trade or have in his possession for such use any measuring equipment prescribed by regulation 2 which has not been passed as fit for such use and which, except as is otherwise

expressly provided by or under that Order, does not bear a stamp indicating that it has been so passed which remains undefaced otherwise than by reason of fair wear and tear. In the case of equipment required by these Regulations to be passed and stamped only after it has been installed at the place where it is to be used, it is an offence under Article 9(11) of the Order knowingly to use such equipment if it has been dismantled and reinstalled unless it has been passed after reinstallation. It is also an offence knowingly to cause or permit any other person so to use it or, knowing that the equipment has to be passed again, to dispose of it to some other person without informing him of that requirement. The penalty on summary conviction for all these offences is a fine not exceeding level 3 on the standard scale (currently £400) and the measuring equipment in respect of which the offence is committed is liable to forfeiture.

The British Standards referred to in regulation 1(2) may be obtained from the British Standards Institution, Linford Wood, Milton Keynes, MK14 6LE.