

1993 No. 441

WEIGHTS AND MEASURES

**Capacity Serving Measures (Intoxicating Liquor) Regulations
(Northern Ireland) 1993**

Made 11th November 1993

Coming into operation 13th December 1993

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SCHEDULE — Prescribed limits of error.

The Department of Economic Development, in exercise of the powers conferred by Articles 8(1), 9(1) to (3) and 13(1) and (2) 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 and revocation

1.—(1) These Regulations may be cited as the Capacity Serving Measures (Intoxicating Liquor) Regulations (Northern Ireland) 1993 and shall come into operation on 13th December 1993.

(2) The Capacity Serving Measures (Intoxicating Liquor) Regulations (Northern Ireland) 1990(c) are hereby revoked.

Interpretation

2.—(1) In these Regulations—

“analogue” means capable of assigning any value or position within a continuous range;

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

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

(c) S.R. 1990 No. 2

“capacity serving measure” means a capacity measure made of transparent glass or plastic and intended to determine a specified volume of intoxicating liquor for delivery to the consumer;

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

“discrimination threshold” means, in the case of weighing equipment with a digital indicator, the weight which produces a change of reading of one digit, and in the case of weighing equipment with an analogue indicator, the weight which produces a 1 millimetre movement of the pointer;

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

“prescribed limits of error” has the meaning set out in regulation 21; and

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

(2) The abbreviations of, and symbols for, units of measurement used in these Regulations refer to the relevant units as set out in the Table hereto:—

TABLE

<i>Imperial System</i>		<i>Metric System</i>	
fluid ounce	fl oz	gram	g
pint	pt	millilitre	ml
gallon	gal	millimetre	mm
		litre	l or L

Degree Celsius °C

Application of Regulations and prescription of capacity serving measures

3.—(1) Subject to paragraph (2), these Regulations apply to the capacity serving measures set out in the Table hereto for use for trade for the purposes of measuring and serving intoxicating liquor for consumption on or off the premises at which it is sold:—

TABLE

<i>Imperial System</i>	<i>Metric System</i>
4 fl oz	100 ml
5 fl oz (1 gill)	125 ml
6 fl oz	150 ml
$\frac{1}{3}$ pt	175 ml
8 fl oz	200 ml
$\frac{1}{2}$ pt	250 ml
1 pt	500 ml
2 pt (1 quart)	1 l
4 pt ($\frac{1}{2}$ gal)	2 l

(2) These Regulations do not apply to liquid capacity measures specified in paragraph 4 of Schedule 4 to the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 1990(a) for use only for making up or checking packages in accordance with Article 31(9) or (10)(a) of the Order.

(3) Capacity serving measures to which these Regulations apply are hereby prescribed for the purposes of Article 9(1) of the Order.

(4) The Weights and Measures Regulations (Northern Ireland) 1967(b) are hereby amended in regulation 3(2) by the substitution of the following sub-paragraph for sub-paragraph (g):—

“(g) capacity serving measures to which the Capacity Serving Measures (Intoxicating Liquor) Regulations (Northern Ireland) 1993 apply.”.

PART II

MATERIALS AND PRINCIPLES OF CONSTRUCTION AND MARKING OF CAPACITY SERVING MEASURES

Strength and durability

4. Every capacity serving measure shall be sufficiently strong, rigid and stable to withstand the wear and tear of ordinary use in trade.

Material characteristics

5. Every capacity serving measure shall—

- (a) neither affect, nor be affected by, the intoxicating liquor which it is to be used to measure; and
- (b) if made of plastic, after immersion in water at 95°C for 10 minutes, resist deformation under hand pressure and not shrink, distort, split or show signs of striation.

Manner of construction

6. Every capacity serving measure shall be constructed so that no air is trapped on filling and no liquid retained on emptying when tilted to an angle of 135° from the vertical.

Types of capacity serving measures

7.—(1) Capacity serving measures may be either—

- (a) brim measures, which shall have a plane rim and be of a nominal capacity in column 1 of Table 1 in the Schedule; or
- (b) line measures, which shall be of a nominal capacity in column 1 of Table 2 in the Schedule and marked with a line which shall be—
 - (i) on the inside or outside surface of the measure; and
 - (ii) conspicuous and durable.

(a) S.R. 1990 No. 410 to which there are amendments not relevant to these Regulations

(b) S.R. & O. (N.I.) 1967 No. 237; the relevant amending Regulations are S.R. 1990 No. 2

Capacity serving measures to be stable and their brims and lines horizontal

8. A capacity serving measure shall not rock, and its brim and lines shall be reasonably horizontal, when it is on a flat horizontal surface.

Profile of capacity serving measures

9. The body of every capacity serving measure shall maintain a reasonably uniform profile when rotated about its principal axis and in this regulation "principal axis" means the vertical line which passes through the centre of the base when the measure is standing on a flat horizontal surface.

Marking of nominal capacity and subdivisions

10.—(1) Every capacity serving measure shall have its nominal capacity conspicuously, legibly and durably marked on the outside of the body of the measure (and not on any handle, bottom, rim, edge or stem) in the case of imperial measures in fluid ounces or pints and in the case of metric measures in millilitres or litres, in full or by means of one of the following abbreviations or symbols only—

fl oz, pt, ml, L or l

(2) The nominal capacity shall be marked in characters—

(a) in the case of a brim measure, adjacent to the brim;

(b) in the case of a line measure, at the line denoting the nominal capacity.

(3) Capacity serving measures—

(a) over 10 fl oz in the case of imperial measures may be subdivided into multiples of $\frac{1}{2}$ pt only;

(b) over 250 ml in the case of metric measures may be subdivided into multiples of 250 ml only; and

(c) of a nominal capacity of 1 litre may be subdivided at 700 ml and at no other point;

and such subdivisions shall be—

(i) lawful for use for trade; and

(ii) marked on the measure in the same field of view as the nominal capacity.

(4) The number of subdivisions shall be marked on the measure and each subdivision shall be—

(a) conspicuously, legibly and durably marked with the capacity it defines; and

(b) marked with a line which shall be—

(i) on the inside or outside surface of the measure; and

(ii) conspicuous and durable.

(5) Subject to paragraph (6), the marking of nominal capacity, an indication of the type of measure (brim or line) and the number of subdivisions may be incorporated with the stamp.

(6) The marking of information referred to in paragraph (5) shall be permanent, legible and conspicuous and not likely to cause confusion in use.

PART III

TESTING

Cleanliness of capacity serving measures

11. Every capacity serving measure submitted for testing shall be in a clean condition.

Liquid to be used for the testing of capacity serving measures

12. A capacity serving measure shall be tested by delivering water into it.

Testing of nominal capacity and subdivisions

13. The nominal capacity and every subdivision shall be tested.

Capacity to line

14. The capacity to the line of a line measure shall be the volume at 20°C when the measure is on a horizontal surface and the bottom part of the meniscus coincides with the top of the line.

Capacity to brim

15. The capacity to the brim of a brim measure shall be the volume at 20°C when the measure is on a horizontal surface and the water is struck off so that the surface of the water is in the same plane as the brim.

Capacity to subdivision

16. The capacity to a subdivision of a capacity serving measure shall be the volume at 20°C when the measure is on a horizontal surface and the bottom part of the meniscus coincides with the top of the line of the subdivision.

Methods of testing

17. Subject to regulation 18, every capacity serving measure submitted to an inspector for testing shall be tested by him by one of the following methods—

- (a) volumetrically, by comparison with one or more local or working standards of capacity, or by means of appropriate testing equipment; or
- (b) gravimetrically, by determining the weight of an equivalent volume of water of a known temperature using suitable weights and a suitable weighing machine which has a discrimination threshold in grams equivalent to one-fifth of the amount in millilitres of the appropriate limit of error set out in column 2 of Table 1 or Table 2 as the case may be in the Schedule.

Selective testing

18.—(1) Where a group of capacity serving measures of the same design, the same nominal capacity and the same manufacture is submitted for testing,

and the conditions specified in paragraph (2) are satisfied with respect to the group, the testing may, at the request of the submitter, be confined to a number of measures determined and selected as specified in paragraph (3).

(2) The conditions referred to in paragraph (1) are—

- (a) the group shall be clearly identifiable and shall consist of measures which exceed 500 but do not exceed 150,000 in number;
- (b) the measures in the group shall all have been produced by the same production process; and
- (c) the group shall be accompanied by records of the production process and of any subsequent action taken by the manufacturer which are adequate to show that the measures in the group are likely to fall within the prescribed limits of error.

(3) The number of measures referred to in paragraph (1) shall be determined and the measures shall be selected by sampling plans and procedures using samples which the inspector considers to be representative, in accordance with either sub-paragraph (a) or, at the request of the submitter, sub-paragraph (b):

- (a) British Standard Specification for Sampling procedures and charts for inspection by attributes BS 6001: 1972(a) which provides an acceptable quality level equal to 1 per cent in which case the sample of measures chosen shall be tested for attributes, including for limits of error on capacity which may be done volumetrically or gravimetrically as in regulation 17;
- (b) (i) the test at sub-paragraph (a) shall be performed for all the appropriate requirements of these Regulations except for limits of error on capacity;
- (ii) a sub-sample of the measures chosen for the test at sub-paragraph (a), which the inspector considers to be representative, shall be tested gravimetrically as in regulation 17(b) in accordance with the British Standard Specification for Sampling procedures and charts for inspection by variables for per cent defective BS 6002: 1979(b) and which provide an acceptable quality level equal to 1 per cent.

(4) If the sample selected as specified in paragraph (3) satisfies the test at sub-paragraph (a) or both tests at sub-paragraph (b), the other measures in the group shall be treated as having satisfied the test or tests as the case may be.

Acceptance of test results from an approved body

19.—(1) Subject to paragraph (4), where capacity serving measures are imported into Northern Ireland from another member State an inspector shall not carry out any test in relation thereto in accordance with the provisions of regulations 11 to 18 if, together with the measures being imported, he is presented with the requisite documentation.

(a) SBN No. 580 07081 6, published by the British Standards Institution on 30th March 1972 as amended February 1984

(b) ISBN No. 0 580 10806 6, published by the British Standards Institution on 31st May 1979

(2) In this regulation and in regulation 22 “requisite documentation” means—

- (a) the test report of an approved body that the capacity serving measures which are the subject of that report have been tested on the same basis as those set out in regulations 11 to 18 and stating which tests have been applied to them; and
- (b) the test results relating to those tests.

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

(4) Nothing in this regulation shall prevent an inspector testing in accordance with regulations 11 to 18 where he is not satisfied—

- (a) as to the authenticity of the test report or the test results presented to him; or
- (b) that the test results presented to him are results which in fact relate to the capacity serving measures being imported.

Power of inspector to request provision of material

20. 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 capacity measure, a person submitting such a measure to an inspector or who an inspector has reasonable cause to believe has possession of such a measure for use for trade shall, if requested, make available for the inspector’s use such material in his possession as the inspector may reasonably require, and such material shall be returned to the person in question.

PART IV

SUPPLEMENTARY PROVISIONS

Prescribed limits of error

21.—(1) The prescribed limits of error relating to the nominal capacity of capacity serving measures shall be the amounts set out in column 2 of Table 1 and Table 2 in the Schedule.

(2) The prescribed limits of error relating to any subdivision of a capacity serving measure shall be:—

- (a) the limits of error of a line measure of the equivalent capacity in Table 2; or
- (b) if the equivalent capacity is not shown, calculated by proportionate interpolation.

(a) EN 45001 is a European Standard which has the status of a British Standard; it is identical to BS 7501 (ISBN 0 580 17939 7), “General criteria for the operation of testing laboratories”, published by the British Standards Institution and with effect from 31st October 1989

Passing as fit for use for trade

22. A capacity serving measure shall not be passed as fit for use for trade unless—

- (a) on testing,
 - (i) subject to regulation 10(5), it complies with all the appropriate requirements of these Regulations;
 - (ii) it falls within the prescribed limits of error; and
 - (iii) it is constructed in a manner which does not facilitate fraudulent use, and it does not bear any decorations or designs which might cause confusion in use; or
- (b) where it has not been tested, it forms part of a group of measures treated under regulation 18(4) as having satisfied the test or tests as the case may be; or
- (c)
 - (i) where the requisite documentation is presented in accordance with regulation 19, the test report recites and the test data confirm to the satisfaction of the inspector that on testing in the relevant member State it falls within the prescribed limits of error;
 - (ii) subject to regulation 10(5), it complies with all the appropriate requirements of these Regulations; and
 - (iii) it is constructed in a manner which does not facilitate fraudulent use, and it does not bear any decorations or designs which might cause confusion in use.

Stamping

23.—(1) The stamp shall be placed on the outside of the capacity serving measure adjacent to the marking of its nominal capacity.

(2) A capacity serving measure shall not be stamped if it bears any other mark which might reasonably be mistaken for the stamp or an expression of approval or guarantee of accuracy by any body or person.

Powers and duties of inspector regarding obliteration of stamps and manufacturer's marks

24.—(1) Subject to paragraph (2), an inspector shall obliterate the stamp on any measure which—

- (a) fails upon testing to fall within the prescribed limits of error; or
- (b) fails to comply with any other appropriate requirement of these Regulations; or
- (c) has been the subject of any adjustment, alteration, addition, damage or repair which could have affected its compliance with the appropriate requirements of these Regulations.

(2) An inspector shall not obliterate the stamp or manufacturer's mark on any capacity serving measure which falls within the prescribed limits of error and which was first stamped or marked with the manufacturer's mark before 13th December 1993, notwithstanding that it fails to comply with the other appropriate requirements of these Regulations.

(3) In this regulation, “manufacturer’s mark” means a mark on a liquid capacity measure authorised under the Capacity Measures (Intoxicating Liquor) Regulations (Northern Ireland) 1984(a).

Sealed with the Official Seal of the Department of Economic Development on 11th November 1993.

(L.S.)

A. L. Brown

Assistant Secretary

Prescribed Limits of Error

TABLE 1

Brim Measures

<i>Nominal Capacity</i>	<i>Limits of error (ml)</i> <i>(in excess only)</i>
(1)	(2)
250 ml	20
500 ml	30
1000 ml	60
2000 ml	120
$\frac{1}{3}$ pint	20
$\frac{1}{2}$ pint	20
1 pint	34
2 pint	68
4 pint	136

TABLE 2

Line Measures

<i>Nominal Capacity</i>	<i>Limits of Error (ml)</i> <i>(in excess or deficiency)</i>
(1)	(2)
100 ml	5
125 ml	6
150 ml	7.5
175 ml	9
200 ml	10
250 ml	10
500 ml	15
1000 ml	30
2000 ml	60
4 fl oz	5.5
5 fl oz	7
6 fl oz	8.5
$\frac{1}{3}$ pint	10
8 fl oz	10
$\frac{1}{2}$ pint	10
1 pint	17
2 pint	34
4 pint	68

(This note is not part of the Regulations.)

These Regulations revoke and replace, with amendments, the Capacity Serving Measures (Intoxicating Liquor) Regulations (Northern Ireland) 1990 (S.R. 1990 No. 2).

The changes of substance are as follows:

1. In respect of line measures, the obligation to mark a line of a particular thickness and of a minimum length and at minimum distance from the brim is removed (regulation 7 and the Schedule).
2. As regards the marking of nominal capacity, the obligation to mark the nominal capacity of brim and line capacity serving measures and to mark subdivisions on such measures in characters of a minimum height is removed. The obligation to mark each subdivision with a line of a particular thickness and of a minimum length is removed (regulation 10(2) and (4) and the Schedule).
3. The duty of Weights and Measures Inspectors to test as fit for use for trade capacity serving measures which have been tested to an equivalent standard in another member State of the European Community is removed, subject to an exception. Such capacity measures shall be passed as fit for use for trade if certain requisite documentation is presented and the test report recites and the test results confirm that on testing in the relevant member State the measures fell within certain limits of error set out in the Schedule (regulations 19 and 22).

Copies of the British Standard Specifications referred to in regulation 18(3)(a) and (b) can be obtained from the British Standards Institution, Linford Wood, Milton Keynes MK14 6LE. Copies of EN 45001 (BS 7501) referred to in regulation 19 can also be obtained from the same address.

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This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.