
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 320

WEIGHTS AND MEASURES

**Non-automatic Weighing Machines and Non-
automatic Weighing Instruments (Amendment)
Regulations (Northern Ireland) 1996**

Made - - - - *24th July 1996*

Coming into operation *2nd September 1996*

The Department of Economic Development, in exercise of the powers conferred by Article 13(1) of the Weights and Measures (Northern Ireland) Order 1981(1) and now vested in it(2) 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 Non-automatic Weighing Machines and Non-automatic Weighing Instruments (Amendment) Regulations (Northern Ireland) 1996 and shall come into operation on 2nd September 1996.

Amendment of the Weighing Equipment (Non-automatic Weighing Machines) Regulations (Northern Ireland) 1991

2. The Weighing Equipment (Non-automatic Weighing Machines) Regulations (Northern Ireland) 1991(3) shall be amended as provided in regulations 3 to 6.

3. In regulation 4—

(a) for paragraphs (1) and (2) there shall be substituted the following paragraphs—

“(1) Where a non-automatic weighing machine is marked with a weighing range, a person shall not use that machine for trade, save in accordance with paragraph (2), for determining a weight outside that range in relation—

- (a) to, or to articles made from, gold, silver or other precious metals, including gold or silver thread or fringe;
- (b) to precious stones or pearls; or
- (c) to drugs or other pharmaceutical products.

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

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

(3) S.R. 1991 No. 266 as amended by S.R. 1992 No. 537 and S.R. 1995 No. 228

(2) A non-automatic weighing machine marked with a weighing range may be used for trade for determining the weight of any item by ascertaining the difference between two weights (both of which fall within the weighing range), that is to say, the weight of that item and another item or items and the weight of that other or those other items only.”; and

(b) for sub-paragraphs (a) to (c) of paragraph (5) there shall be substituted—

“(a) in, or in articles made from, gold, silver or other precious metals, including gold or silver thread or fringe;

(b) in precious stones or pearls.”.

4. After regulation 35 there shall be added the following regulation—

“Non-automatic weighing machines imported from another member State or an EEA State

35A.—(1) In relation to any non-automatic weighing machine imported into Northern Ireland, whether directly or indirectly through Great Britain from another member State or from an EEA State, subject to paragraph (4), an inspector shall not carry out any test in accordance with these Regulations if, together with the machine being imported, he is presented with the requisite documentation.

(2) In this regulation and in regulation 38(5)—

(a) “requisite documentation” means—

(i) the test report of an approved body that the machine which is the subject of that report has been tested on the same basis as those set out in these Regulations and stating which tests have been applied to it; and

(ii) the test results relating to those tests; and

(b) “EEA State” means a Contracting Party to the EEA Agreement other than the United Kingdom and in this paragraph “the EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993.

(3) A body is an “approved body” for the purposes of this regulation if it is a body in a member State or in an EEA State which has the responsibility in that State for metrological control of non-automatic weighing machines or is a laboratory which has been accredited in a member State or an EEA State as being a body which conforms with the criteria set out in EN 45001(4).

(4) Nothing in these Regulations shall prevent an inspector testing in accordance with the foregoing provisions of this Part where he is not satisfied—

(a) as to the authenticity of the test report or the results presented to him; or

(b) that the test results presented to him are results which in fact relate to the machines being imported.”.

5. In regulation 36, for paragraph (2) there shall be substituted—

“(2) In the case of a machine marked with an approved minimum load, the prescribed limits of error specified in Schedule 4 shall apply on and after 2nd September 1996 for test loads of less than the amount of that load.”.

6. In regulation 38—

(4) EN 45001 is a European Standard which has the status of a British Standard; it is identical with BS 7501 (ISBN 0 580 17939 7), “General criteria for the operation of testing laboratories”.

- (a) in paragraph (1), for the words “paragraphs (2) to (4)” there shall be substituted the words “paragraphs (2) to (5)”; and
- (b) after paragraph (4) there shall be added—
 - “(5) In the case of any non-automatic weighing machine imported from another member State or an EEA State, it shall not be passed as fit for use for trade unless—
 - (a) where the requisite documentation is presented in accordance with regulation 35A, the test report recites and the test data confirm to the satisfaction of the inspector that on testing in the relevant member State or EEA State it fell within the prescribed limits of error; and
 - (b) it complies with all the relevant requirements of these Regulations.”.

Amendment of the Non-automatic Weighing Instruments (EEC Requirements) (Use for Trade) Regulations (Northern Ireland) 1992

7. The Non-automatic Weighing Instruments (EEC Requirements) (Use for Trade) Regulations (Northern Ireland) 1992(5) shall be amended as provided in regulations 8 to 10.

8.—(1) Regulation 2 shall be renumbered as paragraph (1) of that regulation and in that paragraph

- (a) after the definition of “the 1981 Order” there shall be inserted the following definitions—
 - ““the 1995 Regulations” means the Non-automatic Weighing Instruments (EEC Requirements) Regulations 1995;
 - “the Directive” means Council Directive [90/384/EEC](#) of 20th June 1990 on the harmonisation of the laws of the member States relating to non-automatic weighing instruments as amended by Council Directive [93/68/EEC](#)”;
- (b) the definition of “the 1992 Regulations” shall be omitted;
- (c) in the definition of “EC type-approval certificate” for the words “the 1992 Regulations” there shall be substituted the words “the 1995 Regulations”; and
- (d) after the definition of “load receptor” the words from “and other expressions” to the end shall be omitted.

(2) After paragraph (1) of regulation 2 there shall be added the following paragraph—

“(2) In these Regulations, references to instruments of a numbered class shall be construed in accordance with Schedule 2 to the 1995 Regulations.”.

(3) In regulation 3, for the words “the 1992 Regulations” there shall be substituted the words “the 1995 Regulations”.

9. In regulation 4 for paragraphs (1) to (4) there shall be substituted the following paragraphs—

“(1) Save in accordance with paragraph (2), a person shall not use for trade an instrument marked with a weighing range for determining a weight outside that range in relation—

- (a) to, or to articles made from, gold, silver or other precious metals, including gold or silver thread or fringe;
- (b) to precious stones or pearls; or
- (c) to drugs or other pharmaceutical products.

(2) An instrument marked with a weighing range may be used for trade for determining the weight of any item by ascertaining the difference between two weights (both of which

fall within the weighing range), that is to say, the weight of that item and another item or items and the weight of that other or those other items only.

(3) A person shall not use for trade any instrument other than an instrument of accuracy classification as Class I or Class II in any transaction—

(a) in, or in articles made from, gold, silver or other precious metals, including gold or silver thread or fringe;

(b) in precious stones or pearls.

(4) A person shall not use for trade an instrument carrying a marking in accordance with the EC type-approval certificate, or to which the restrictive use symbol referred to in paragraph 3 of Annex IV of the Directive applies, for a purpose which does not accord with the marking or the symbol.”.

10. For regulation 12 there shall be substituted the following regulation—

“Instruments using decimal parts of a pound

12.—(1) Before 1st January 2000 a person shall not use an instrument having weight scale intervals expressed solely in decimal parts of a pound for the purposes of a sale by retail unless the buyer is presented with a statement in writing of the weight of the goods.

(2) On and after 1st January 2000 a person shall not use for trade an instrument having weight scale intervals expressed in decimal parts of a pound save by way only of a supplementary indication of the weight of the goods.”.

Sealed with the Official Seal of the Department of Economic Development on 24th July 1996.

A. L. Brown
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Weighing Equipment (Non-automatic Weighing Machines) Regulations (Northern Ireland) 1991 (“the 1991 Regulations”) to forbid the use for trade of equipment outside its prescribed weighing range in relation to gold and other precious metals, precious stones or pearls and drugs and other pharmaceutical products (regulation 3).

They also amend the 1991 Regulations to permit the import of non-automatic weighing machines which have been tested in another member State or an EEA State on the same basis as is required by those Regulations (regulations 4 and 6).

These Regulations amend, in addition, the Non-automatic Weighing Instruments (EEC Requirements) (Use for Trade) Regulations (Northern Ireland) 1992 (“the 1992 Regulations”) which implement Council Directive [90/384/EEC](#) (as amended by Council Directive [93/68/EEC](#)) on the harmonisation of the laws of the member States relating to non-automatic weighing instruments in so far as they relate to instruments in use for trade covered by the Non-automatic Weighing Instruments (EEC Requirements) Regulations 1995.

They amend the 1992 Regulations to forbid the use for trade of instruments outside their prescribed weighing range in relation to gold and other precious metals, precious stones or pearls and drugs and other pharmaceutical products (regulation 9) and forbid the use for trade on and after 1st January 2000 of instruments having weight scale intervals expressed in decimal parts of a pound save by way of supplementary indication of weight (regulation 10).