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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations replace with amendments the Measuring Equipment (Liquid Fuel and Lubricants) Regulations (Northern Ireland) 1989 (“the 1989 Regulations”) and take account of International Recommendation R117 “Measuring Systems for Liquids Other Than Water” issued by the International Organisation for Legal Metrology and available from the Organisation at 11 rue Turgot, Paris, 75009, France.

The Regulations apply to equipment used for trade, for any purpose, to measure liquid fuel (other than liquefied petroleum gas) in a quantity of 100 litres or less. However, they do not apply to measuring equipment for automatic measuring of constant nominal quantities (see regulation 2).

The Regulations 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. They prescribe such equipment for the purposes of Article 9(1) of the Weights and Measures (Northern Ireland) Order 1981 (“the Order”) 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, in revoking the 1989 Regulations, repeat their provisions subject to the following changes of substance—

- (a) Provision is made for liquid fuel measuring equipment to be tested with a liquid other than, but similar to, that which it is intended to deliver (regulation 8).
- (b) Provision is made for testing and stamping of:
  - (i) permanently fixed equipment to be carried out at the place of manufacture (regulation 10(1)(b)); and
  - (ii) all other equipment to be carried out either at the place where it is to be used or in conditions which are in all material respects the same as those at the place at which it is to be installed for use (regulation 10(2)).
- (c) The prescribed limits of error in relation to passing as fit for use for trade are relaxed and provision is made for different limits of error to apply to liquid fuels having different dynamic viscosities (regulation 15(1)).
- (d) Provision is made for the acceptance of test results for measuring equipment imported from other member States of the European Union or contracting parties to the European Economic Area Agreement (regulation 16).
- (e) Provision is made for the inspector not to obliterate the stamp, in certain circumstances, when certain components of the measuring equipment or its ancillary equipment are removed or replaced (regulation 21(5)).
- (f) The provisions relating to the obliteration of stamps on measuring equipment having more than one stamp are clarified (regulation 22(1)(a)) and provision is made for the inspector to affix a notice indicating that part of the equipment is out of order (regulation 22(2)).

Contravention of regulation 6 or 7 is an offence under Article 13(1) of the Order.

It is also an offence under Article 9(2) of the 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 the Order,

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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 both permanently fixed and all other equipment required by regulations 10(1)(a) and 10(2)(a) to be passed and stamped after it has been erected and 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, whether in the same or some other place, unless it has been passed after such reinstallation.

It is also an offence knowingly to cause or permit any other person so to use such permanently fixed and all other equipment or, knowing that it has to be passed again, to dispose of it to some other person without informing him of that requirement.

In the case of permanently fixed equipment required by regulation 10(1)(b) to be passed and stamped after it has been erected at the place of its manufacture or assembly in such a manner, in such a configuration and in such an environment as to replicate in all relevant respects those in which it will be installed at the place where it is to be used, it is an offence under Article 13(1) of the Order to use such equipment if it has subsequently been dismantled before completion of its installation at the place where it is to be used and such dismantling is likely to have affected its performance.

In the case of all other equipment required by regulation 10(2)(b) to be passed and stamped after it has been erected in conditions which are in all material respects the same as those at the place at which it is to be installed for use, it is an offence under Article 13(1) of the Order to use such equipment if it has subsequently been dismantled before completion of its installation at the place where it is to be used and such dismantling is likely to have affected its performance.

The penalty on summary conviction for all these offences is a fine not exceeding level 3 on the standard scale (currently £1,000) and the measuring equipment in respect of which the offence is committed is liable to forfeiture.

Copies of EN 45001 (BS 7501) referred to in regulation 16(3) may be obtained from any of the sales outlets operated by the British Standards Institution (BSI) or by post from BSI at Linford Wood, Milton Keynes, MK14 6LE.

These Regulations have been notified to the European Commission pursuant to Council Directive [83/189/EEC](#) (O.J. No. L109, 26.4.83, p. 8) as amended by Council Directive [88/182/EEC](#) (O.J. No. L81, 26.3.88, p. 75) and European Parliament and Council Directive [94/10/EC](#) (O.J. No. L100, 19.4.94, p. 30) which lays down a procedure for the provision of information in the field of technical standards and regulations.