
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 5

**The Weighing Equipment (Non-automatic Weighing
Machines) Regulations (Northern Ireland) 2006**

**PART I
GENERAL**

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Weighing Equipment (Non-automatic Weighing Machines) Regulations (Northern Ireland) 2006 and shall come into operation on 13th February 2006.

(2) The Regulations specified in Schedule 4 are hereby revoked.

Interpretation

2.—(1) In these Regulations—

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

“accelerating machine” means a machine which provides an indication by switching from one state of rest to the other;

“accuracy classification” means classification as a Class I, Class II, Class III or Class III machine in accordance with the provisions of Schedule 1;

“additive tare device” means a tare device which does not intrude upon any of the weighing ranges of the weight indicating and printing devices with which it is associated;

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

“approved minimum load” means the minimum load which a machine is authorised to weigh;

“approved pattern” means a pattern in respect of which a certificate of approval granted or deemed to have been granted under Article 10 of the 1981 Order is in operation;

“automatic catchweight weighing machine” means an automatic weighing machine which determines, but does not regulate, the mass of individual items but does not include—

- (a) an automatic checkweighing machine, that is to say, a machine which subdivides articles the mass of which varies on either side of a predetermined value, or
- (b) an automatic weight grading machine, that is to say, a machine which subdivides articles of different mass for which there is no predetermined nominal mass;

“automatic weighing machine” means weighing equipment that includes a machine which accomplishes a weighing operation without intervention by an operator and which sets in motion an automatic process characteristic of the machine;

“automatic zero tracking device” means a device which is designed to correct small, slow changes within the zero setting range of the machine;

“ballast” means any of the materials to which the expression ballast applies in Schedule 4 to the 1981 Order;

“certificate of approval” means a certificate of approval of a pattern of weighing equipment granted or renewed by the Department under Article 10 or 11 of the 1981 Order or any instrument having effect under Article 11(5) of the 1981 Order as if it were a certificate of approval so granted on 4th April 1979 or a certificate of approval of a pattern of weighing equipment deemed under Article 10(8) of the 1981 Order to have been granted and published under the said Article 10;

“counting machine” means a machine which, by weighing articles of uniform size and composition—

- (a) determines the number of such articles placed on or removed from its load receptor, or
- (b) detects when a pre-determined number of such articles have been placed on or removed from its load receptor;

“Department” means the Department of Enterprise, Trade and Investment;

“device for interpolation of reading” means a device which subdivides without special adjustment the weight scale of an indicating device;

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

“first part of the range” means that part of the weighing range defined, in verification scale intervals according to the accuracy classification of the machine, by the Table in Schedule 3;

“graduated” means having its operating range subdivided into one or more continuous series of scale intervals;

“level indicating device” means a device which indicates when the structure to which it is attached is tilted away from its correct operating position;

“live part” means a part of a machine which, when a force is applied to it, could cause an alteration of the indicated or printed value;

“load receptor” means a part of a machine on which loads are placed for the purpose of their being weighed;

“locking device” means a device which engages a live part or parts of a machine to prevent relative movement between live parts and the frame or casing of the machine;

“mark of EEC initial verification” means the mark described in paragraph 5 of Schedule 1 to the Measuring Instruments (EEC Requirements) Regulations 1988(1);

“maximum capacity” means the greatest load which a weight indicating or printing device is constructed to indicate or print, as the case may be, when all associated tare devices are set to zero;

“maximum load” means the sum of the maximum capacity plus the maximum of any additive tare;

“metrological characteristics” means those operational characteristics of a machine which are evaluated during testing of the machine in accordance with the appropriate provisions of regulation 37 and Schedule 2;

“multiple weighing” means determining the mass of a load by totalising the results of more than one static weighing operation during each of which the load is only partially supported by the load receptor;

“non-automatic weighing machine” means weighing equipment that includes a machine which accomplishes a weighing operation and which requires the intervention of an operator during

the weighing process, especially to deposit loads on, or remove loads from, the load receptor and also to determine the result of the weighing process, and for the purposes of these Regulations shall include an automatic catchweight weighing machine;

“non-self indicating machine” means a machine in which the position of equilibrium is obtained entirely by the intervention of an operator;

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

“prescribed limits of error” has the meaning set out in regulation 38;

“published particulars” means, in relation to an approved pattern, the particulars of the approved pattern which are published under section 12 of the Weights and Measures Act 1985(2) or Article 10 of the 1981 Order;

“range of self indication” means the range within which the position of equilibrium is obtained without the intervention of the operator;

“relieving device” means a device which can prevent forces applied to a load or weight receptor being transmitted to certain delicate bearings;

“rider” means a small poise which can be moved along a graduated bar or beam;

“rounding error” means the difference between the indicated or printed digital value and the result the machine would give if it were analogue;

“scale interval” means the value, expressed in units of measurement of mass, equal to—

- (a) in the case of a machine with an analogue indicating device, the smallest subdivision of the scale; or
- (b) in the case of a machine with a digital indicating or printing device, the smallest difference between two consecutive indicated or printed values;

“self indicating machine” means a machine in which the position of equilibrium is obtained without the intervention of the operator;

“self service weighing machine” means a non-automatic weighing machine which, in accordance with Articles 5(1) and (3)(a) of the 1981 Order, is made available for use for trade by any prospective buyer of goods so that the weight and price of goods selected by him is determined and made known to him;

“semi-self indicating machine” means a machine in which the operator only intervenes above a certain range of self indication or printing, in order to re-establish the function of self indication or printing;

“the stamp” means the stamp prescribed by the Weights and Measures (Prescribed Stamp) Regulations (Northern Ireland) 1969(3);

“subtractive tare device” means a tare device which intrudes on the weighing range of any weight indicating and printing device with which it is associated;

“tare device” means a device for—

- (a) resetting the weight indicating and weight printing devices to zero when a load is on the associated load receptor, or
- (b) subtracting a preset value of weight from the weight indicating or printing device;

“vehicle check weighing machine” means a non-automatic weighing machine which, in accordance with Article 5(3)(a) of the 1981 Order, is made available for use for trade only for

(2) 1985 c. 72

(3) S.R. & O. 1969 No. 11 as amended by S.R. 2002 No. 36

the purpose of checking compliance with statutory provisions regarding the weight and axle weight of road vehicles;

“verification scale interval” means the metrologically significant value of the scale interval for the verification of the machine which is determined from Schedule 1;

“weighing mode” means one of the number of ways of operating a machine which is necessary to bring into use each of its indicating, printing and taring devices, load receptors and combinations of load receptors, weighing ranges and values of verification scale interval;

“weighing range” means the range between the maximum capacity and—

- (a) the approved minimum load, or
- (b) in a case where there is no approved minimum load marking, the lowest value of weight which can be indicated or printed;

“weight indicating device” means a device which is not a weight printing device and which indicates the weight of a load on an associated load receptor of the machine;

“weight printing device” is a device which can print the weight of a load which is on an associated load receptor of the machine;

“weight receptor”, in relation to a machine where equilibrium is obtained totally or partially by means of weights, means a live part of the machine on which the weights are placed for a weighing operation; and

“zero setting device” means a device by which a machine may be balanced, set to indicate zero, or set to a datum position when the load receptor is empty.

(2) The abbreviations of, and symbols for, units of measurement used in these Regulations refer to the relevant units as follows—

Hundredweight	cwt
Quarter	qr
ounce troy	oz tr
Dram	dr
Grain	gr
Tonne	t
Kilogram	kg, kilog
Gram	g, grm
carat (metric)	CM, ct
Milligram	mg
Millimetre	mm

Application

3.—(1) Subject to paragraphs (2) to (4), these Regulations shall apply to all non-automatic weighing machines for use for trade, and such machines are hereby prescribed for the purposes of Article 9(1) of the 1981 Order.

(2) Nothing in these Regulations shall apply to any non-automatic weighing machine of the following descriptions—

- (a) counting machines without weight indicating or weight printing devices and which are for use only for counting the number of articles;
- (b) machines for use only for weighing coins or currency notes for the purpose of determining their number;
- (c) machines for use for grading by reference to their weight for the purpose of trading transactions by reference to that grading, of hens' eggs in shell which are intended for human consumption;
- (d) machines for use only for weighing paint (other than paste paint);
- (e) machines for use only as vehicle check weighing machines and bearing a conspicuous notice to that effect;
- (f) machines for use only for making up packages if, and only if, the packages are subsequently checked in accordance with Article 31(9) of the 1981 Order;
- (g) machines specified in paragraph 7 of Schedule 4 to the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 1990(4) for use only in checking packages in accordance with Articles 31(9) and (10) of the 1981 Order;
- (h) machines used for weighing persons which are made available for use by the public, whether on payment or otherwise;
- (i) customer check weighing machines, that is to say, non-automatic weighing machines which, in accordance with Article 5(3)(a) of the 1981 Order, are made available for use for trade by prospective buyers of goods so that they may check the weight of the goods before purchasing them;

and in this paragraph "packages" means packages as defined in Article 30(1) of the 1981 Order.

(3) Other than regulations 4 and 23 to 31, nothing in these Regulations shall apply to any non-automatic weighing machine which bears the mark of EEC initial verification.

(4) Other than regulations 4(4), 23, 24 and 31, nothing in these Regulations shall apply to any weighing machine with counting facilities which—

- (a) has been in use for trade solely for counting before 1st August 1991; and
- (b) bears the legends:
 - “Not to be used for weighing for trade” and “Not to be used for direct trade with the public”; and
- (c) has not been passed as fit for use for trade and stamped.

(5) Nothing in these Regulations shall apply to any non-automatic weighing machine which is an “instrument” to which the Non-automatic Weighing Instruments (EEC Requirements) Regulations 1995(5) apply.

Purposes of use for trade

4.—(1) 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.

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

(4) S.R. 1990 No. 410 as amended by S.R. 1991 No. 320, S.R. 1992 No. 485 and S.R. 1994 No. 321

(5) S.I. 1995/1907 as amended by S.I. 1997/3035 and S.I. 1998/2994

- (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.
- (3) A person shall not use for trade for the purpose of determining postal tariffs a machine having a digital weight indicating or printing device, unless—
- (a) each of its weight indicating or printing devices has a scale interval of 1 g or less; or
 - (b) in accordance with the published particulars of the approved pattern, the machine is marked “For determining postal tariffs only”.
- (4) A person shall not use for trade a machine carrying a marking required by the published particulars of the approved pattern or these Regulations for a purpose which does not accord with the marking.
- (5) A person shall not use for trade any non-automatic weighing machine other than a machine of accuracy classification as a Class I or Class II machine 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.
- (6) A person shall not use a Class III non-automatic weighing machine for trade for any purpose—
- (a) other than—
 - (i) for weighing ballast; or
 - (ii) for weighing other goods, in accordance with the published particulars of the approved pattern; or
 - (b) unless it is of a type described in paragraph 16(a) in Part V of Schedule 1 and first stamped before 1st August 1991, or in paragraph 16(b) or (d) in that Part for machines which cannot be classified as Class III except in the case of counter machines of the type known as “common form” and made before 1st August 1991 in accordance with the provisions of the Weights and Measures Regulations (Northern Ireland) 1967(6).
- (7) A person shall not use for trade any non-automatic weighing machine for the purpose of multiple weighing.
- (8) A person shall not use a Class I or Class II machine, fitted with a rider, a device for interpolation of reading or an indicating device on which the last figure is clearly differentiated from the other figures, for direct trade with the public.
- (9) A person shall not have a self service weighing machine available for trade unless it complies with the requirements of these Regulations.

(6) S.R. & O. (N.I.) 1967 No. 237 as amended by S.R. & O. (N.I.) 1971 No. 114, S.R. & O. (N.I.) 1974 No. 280, S.R. 1991 No. 266, S.R. 1993 No. 441, S.R. 1994 No. 322 and S.R. 1998 No. 48

PART II

MATERIALS, PRINCIPLES OF CONSTRUCTION AND MARKING OF NON-AUTOMATIC WEIGHING MACHINES

Parts of non-automatic weighing machines

5.—(1) Where a non-automatic weighing machine has interchangeable or reversible parts, the interchange or reversal thereof shall not affect its metrological characteristics.

(2) The constituent parts of a non-automatic weighing machine shall be sufficiently strong to withstand the wear and tear of ordinary use in trade.

Monetary indications

6.—(1) A non-automatic weighing machine shall not have monetary indications in units other than decimal currency units.

(2) A price computing non-automatic weighing machine shall not—

- (a) indicate in digital form during a weighing operation a part of a penny in the amount of the price to be paid by the buyer; or
- (b) indicate the price in digital form and have any monetary indications in units of a part of a penny in vulgar fraction form which are capable of being used during a weighing operation to calculate the price.

Manner of construction of the load receptor

7. The load receptor of a non-automatic weighing machine shall be so constructed as to provide for easy and practicable weighings for all test purposes not exceeding the maximum capacity of that machine, unless otherwise specified in the published particulars of the approved pattern.

Zero setting device

8. Where a non-automatic weighing machine is fitted with a zero setting device designed to compensate for the wear and tear of ordinary use in trade, the device shall have a total range not exceeding 4 per cent. of the maximum capacity of that machine, or as specified in the published particulars of the approved pattern, as the case may be.

Accuracy classification

9. Subject to regulation 10, every non-automatic weighing machine shall comply with the requirements in Schedule 1 for accuracy classification.

Verification scale interval

10. In the case of a non-automatic weighing machine (being a non-graduated Class II machine with a maximum capacity of not less than 25 g and not more than 1 kg) which is used for trade in any transaction by retail in drugs or other pharmaceutical products, the verification scale interval “e” in Table 2 of Schedule 1 shall be within the range Max/2000 to Max/20000 inclusive.

Adjustable levelling and level indicating devices

11.—(1) Subject to paragraph (2), every non-automatic weighing machine shall be fitted with an adjustable levelling device or devices and one or more level indicating devices to cover all directions.

(2) Nothing in paragraph (1) shall apply to a machine which is permanently installed, freely suspended, or is a Class II, Class III or Class IIII machine which meets the requirements of paragraph 16 in Part III of Schedule 2 in relation to machines without level indicating devices.

Approved patterns

12.—(1) Subject to paragraphs (2) and (3), every non-automatic weighing machine shall be made in accordance with a pattern in respect of which a certificate of approval is in operation.

(2) The marking of a machine in accordance with the requirements of regulation 16(2) after it has been made in accordance with such a pattern shall not in itself be a breach of paragraph (1).

(3) Nothing in paragraph (1) shall apply to a machine of the type known as “common form” which was first stamped before 1st August 1991.

Drainage

13. Where a non-automatic weighing machine is installed in a pit which forms the base and sides of the machine, the pit shall be provided with adequate drainage.

Approved minimum load

14.—(1) Subject to paragraphs (2) and (3), the approved minimum load for a non-automatic weighing machine shall be that specified in Schedule 1.

(2) Nothing in paragraph (1) shall apply in the case of a machine in relation to which the published particulars of the approved pattern specify the amount of the minimum load appropriate to that particular pattern.

(3) Notwithstanding paragraph (1)—

- (a) in the case of a Class II, III or IIII non-automatic weighing machine used for the purpose of determining postal or other tariffs, the approved minimum load (as indicated in relation to the machine in Table 2, 3 or 4 in Schedule 1, as the case may require) shall be not less than five times the scale interval “d” (for a graduated machine) or five times the verification scale interval “e” (for a non-graduated machine) specified in relation to the machine in that Table; and
- (b) in the case of a non-automatic weighing machine which is balanced otherwise than at zero, the approved minimum load shall be determined by reference to the balanced position.

Scale intervals

15.—(1) The graduated weight indicating, printing and tare devices of any non-automatic weighing machine first passed as fit for use for trade on or after 1st August 1991 shall—

(a) have scale intervals in the following form—

1×10^n , 2×10^n , or 5×10^n , the index n being a positive or a negative whole number or zero; and

(b) subject to paragraph (2), give weighing results which comply with the principle of reading by simple juxtaposition.

(2) The requirements of paragraph (1)(b) shall not apply—

(a) to semi-self indicating machines, made in accordance with an approved pattern, having mechanical weight indicating devices with a range of self indication of 500 g; or

(b) to that part of any weighing result which is obtained by adding the values of weights or poises.

Relevant markings

16.—(1) Every non-automatic weighing machine first passed as fit for use for trade before 1st February 1992 shall be legibly and durably marked either as in paragraph (2) or with—

- (a) the name of the maker or supplier; and
- (b) either—
 - (i) the maximum capacity of the weight indicating and printing devices, or
 - (ii) the purported capacity, where the maximum load exceeds the maximum capacity.

(2) Every non-automatic weighing machine which is passed as fit for use for trade on or after 1st February 1992 shall be legibly and durably marked with—

- (a) the name of the maker or supplier;
- (b)

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(the accuracy classification of the machine, in accordance with the requirements of Schedule 1);

- (c) “Max ...” (the maximum capacity of the weight indicating and weight printing devices);
- (d) “Min ...” (the approved minimum load);
- (e) “e = ...” (the verification scale interval associated with the weight indicating, printing and tare devices, which is determined by the requirements in Schedule 1);
- (f) where relevant—
 - (i) the number of the certificate of approval or of the notice of examination in respect of the pattern in accordance with which the machine is made, preceded by the words “Certification No.,” “Cert. No.” or “Notice No.,” as the case may be;
 - (ii) “T = - ...” if different from “Max ...” or “T = + ...” (the maximum range of the subtractive or additive tare device respectively);
 - (iii) “d = ...” and “d_T = ...” if different from “e = ...” (the scale intervals of the graduated weight indicating and/or printing devices and graduated tare devices respectively);
 - (iv) in the case of a machine to which regulation 14(3) applies, “Min ...” (where “...” is the approved minimum load for the purpose of determining postal or other tariffs) and the words “for determining ... tariffs” (where “...” is the specific tariff for which the machine is used).

Units of measurement

17.—(1) Where units of measurement are marked on non-automatic weighing machines first passed as fit for use for trade—

- (a) before 27th April 1978, they shall be marked, in the case of the dram, in full or by means of the abbreviation, dr, only;
- (b) before 1st December 1980, they shall be marked in full though not in pounds or ounces or, except in the case of the ton or stone, by means of one of the following abbreviations or symbols only—
cwt, qr, oz tr, gr, t, kg, kilog, g, grm, CM, mg;
- (c) on or after those dates, they shall be marked in metric units or in ounce troy, in full or by means of one of the following abbreviations or symbols only—
oz tr, t, kg, g, CM, mg;
- (d) on and after 30th December 1992, they shall be marked in metric units or in ounce troy, in full or by means of one of the following abbreviations or symbols only—
oz tr, t, kg, g, CM, ct, mg.

(2) Nothing in paragraph (1) shall authorise the use for trade of the ton, hundredweight, quarter, stone or grain in any circumstances, other than those permitted by regulations 10(2) and (4) of the Units of Measurement Regulations 1980(7) or of the dram in any circumstances other than those permitted by regulations 4(2) and (3) of the Units of Measurement Regulations 1978(8).

Supplementary indications

18. Where a weight indicating device of a non-automatic weighing machine indicates the weight of a load in metric units of measurement that indication may also be given by means of a supplementary indication up to and including 31st December 2009.

Riders or other devices

- 19.** Only a non-automatic weighing machine of Class I or Class II shall be provided with—
- (a) a rider;
 - (b) a device for interpolation of reading; or
 - (c) an indicating device on which the last figure is clearly differentiated from the other figures.

Unit price indications

20. Where a non-automatic weighing machine shows price expressed as an amount of money per unit of weight, such unit of weight shall be expressed per hundred grams, per kilogram or per tonne.

Customer check weighing and self service machines

21.—(1) Every non-automatic weighing machine which is in use for trade for operation by a prospective buyer for the purpose of making known to him the weight and where appropriate the price of goods selected by him shall—

- (a) be a self indicating weighing machine; and
 - (b) be specified as being for such use in the published particulars of the approved pattern in the case of a weighing machine having a digital indicating device.
- (2) In addition, any machine which is made available as a self service weighing machine shall—
- (a) be a price computing weighing machine having digital displays of weight, unit price and price to pay, together with an associated label printer;

(7) S.I. 1980/1070; the relevant amending instrument is S.I. 1980/1742

(8) S.I. 1978/484; the relevant amending instrument is S.I. 1980/1742

- (b) have any bag provided for the goods selected by the prospective buyer such that the goods are readily visible through it; and
- (c) only be used in connection with the sale of different commodities, other than commodities having the same unit price, provided that they are readily distinguishable from each other.

Provision of sealing devices

- 22.** Every non-automatic weighing machine shall be provided with—
- (a) either:
 - (i) an irremovable plug or stud made of soft metal; or
 - (ii) in the case of a Class I machine a special plate permanently and irremovably attached to the base of the machine; or
 - (b) such sealing arrangements as may be provided for the stamp as set out in the certificate of approval or the notice of examination in respect of that pattern.

PART III

MANNER OF ERECTION AND USE FOR TRADE

Restriction on use where level indicating devices are fitted

23. Where a non-automatic weighing machine is fitted with one or more level indicating devices, a person shall not use the machine for trade unless each device indicates that it has been set to its reference position.

Restriction on use where temperature range is marked

24. Where a non-automatic weighing machine is marked with a temperature range, a person shall not use the machine for trade in temperatures outside that range.

Manner of use

25. Where a non-automatic weighing machine is marked with the manner of use, a person shall not use the machine for trade in a manner which does not accord with the marking.

Manner of erection where weight or other printing device is fitted

26. Where a non-automatic weighing machine is fitted with a weight or any other printing device, the machine shall be so erected and used that the printing device, when used, produces a clear and durable printout.

Restriction on use when any live part is submerged in liquid

27. A person shall not use for trade a non-automatic weighing machine when any live part is wholly or partly submerged in liquid, except as specified in the published particulars of the approved pattern.

Manner of erection where load is stationary relative to load receptor

28. Every non-automatic weighing machine shall be erected and used in such a manner that, during a weighing operation, the load being weighed is stationary relative to the load receptor and supported only by the load receptor.

Accessibility

29. Except as specified in the published particulars of the approved pattern, every non-automatic weighing machine shall be erected in such a manner that the operator can, notwithstanding the nature of the machine or its surroundings, readily take up a single position from which he can—

- (a) see, directly or with the aid of mirrors, closed-circuit television or other suitable permanently installed facilities, the whole of the unladen load receptor;
- (b) operate the weighing machine's controls; and
- (c) obtain a weight reading from the weighing machine.

Use of weights to determine the value of load in metric units

30.—(1) Subject to paragraph (2), every Class I or Class II non-automatic weighing machine, used in association with a weight or weights to determine the value of any load in terms of metric units of mass other than carat (metric) units, shall be used for trade for such purpose only in association with weights which bear the mark of EEC initial verification in accordance with—

- (a) the provisions of Council Directive No. 74/148/EEC(9) on above-medium accuracy weights in the case of Class II machines; or
- (b) the provisions of the said Directive except for those provisions relating to weights of Class M1 in the case of Class I machines.

(2) The requirements of this regulation shall not apply to any non-automatic weighing machine for use for trade in any transaction by retail in drugs or other pharmaceutical products.

Balance or zero setting

31.—(1) Subject to paragraph (2), every non-automatic weighing machine shall be properly balanced or set to zero immediately prior to use.

(2) Paragraph (1) shall not apply in the case of a machine of an approved pattern if, in the published particulars thereof, it is described as not being so constructed as to balance when unloaded.

PART IV

TESTING

Pre-testing requirements

32.—(1) Every non-automatic weighing machine submitted for testing shall be completely assembled and in a clean condition.

(2) For the purposes of the performance by an inspector of his functions under the 1981 Order or these Regulations relating to inspection, testing, passing as fit for use for trade and stamping of any non-automatic weighing machine, a person submitting such a machine to an inspector or who an inspector has reasonable cause to believe has control of such a machine for use for trade shall,

(9) O.J. No. L84, 28.3.1974, p. 3

if requested, provide for the inspector's use such material or items required by regulations 34 and 35 as the inspector may reasonably require, and any material or items so provided shall be returned to the person in question.

Permanent installations

33. A non-automatic weighing machine which is to be permanently installed in the position in which it is to be used shall not be tested, passed as fit for use for trade and stamped unless it has been completely erected ready for use and installed in the position in which it is to be used.

Testing by use of weights or testing equipment

34.—(1) Every non-automatic weighing machine, where the maximum load does not exceed 5 tonnes, shall be tested by the use of weights as set out in the following Table—

Accuracy Classification	Weights to be used
Class I and Class II	Northern Ireland local standard weights, Northern Ireland working standard weights which fall within the prescribed limits of error relating to the equivalent local standard weights, Northern Ireland test weights not greater than 20 kilograms which fall within the prescribed limits of error relating to the equivalent local standard weights or test weights greater than 20 kilograms which fall within 0.15 of the prescribed limits of error for the test weights in question
Class III and having more than 5,000 scale intervals	Northern Ireland local standard weights, Northern Ireland working standard weights, Northern Ireland test weights not greater than 20 kilograms, or test weights greater than 20 kilograms which fall within half the prescribed limits of error for the test weights in question
Class III and having no more than 5,000 scale intervals and Class IIII	Northern Ireland local standard weights, Northern Ireland working standard weights or Northern Ireland test weights

(2) Where the maximum load of a machine exceeds 5 tonnes, the test loads shall consist of a minimum of 5 tonnes of weights as set out in the Table in paragraph (1) and may consist of loose material for the remainder up to the maximum load.

(3) In this regulation “Northern Ireland local standard weights”, “Northern Ireland working standard weights” and “Northern Ireland test weights” shall be construed in accordance with the 1981 Order.

Operation by coin, currency note, credit card or other such device

35. Every non-automatic weighing machine designed to be operated by means of a coin, currency note, credit card or other such device as specified in the published particulars of the approved pattern shall be tested by use of the coin, currency note, credit card or device as appropriate.

Non-automatic weighing machines imported from an EEA State

36.—(1) In relation to any non-automatic weighing machine imported into Northern Ireland from an EEA State, (whether directly or indirectly through Great Britain), 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 39(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 State which is a Contracting Party to the EEA Agreement 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 paragraph (2) if it is a body 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 an EEA State as being a body which conforms with the criteria set out in EN 45001(10).

(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.

Other testing requirements

37.—(1) Subject to paragraph (2), every non-automatic weighing machine shall be tested in accordance with the appropriate testing procedures specified in Schedule 2 or, where appropriate, those specified in the published particulars of the approved pattern; provided that the procedures specified in paragraphs 15 and 16 of that Schedule shall not be carried out unless the inspector considers it necessary to do so having regard to the characteristics of the machine or to the particular circumstances.

(2) In the case of a machine marked with an approved minimum load, the limits of error specified in Schedule 3 shall apply for test loads of less than the amount of that load.

PART V

SUPPLEMENTARY PROVISIONS

Prescribed limits of error

38. The prescribed limits of error relating to non-automatic weighing machines shall be those set out in Schedule 3.

(10) 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”

Passing as fit for use for trade

39.—(1) Subject to paragraphs (2) to (5), no non-automatic weighing machine shall 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 falls within the prescribed limits of error.

(2) Notwithstanding paragraph (1)(a), a non-automatic weighing machine which was first passed as fit for use for trade before 1st August 1991 may continue to be passed as fit for use for trade even if it does not comply with the requirements of regulations 7 and 19.

(3) Notwithstanding paragraph (1) in relation to the tilt testing requirements, a non-automatic weighing machine which is or could be marked



or



which was first passed as fit for use for trade before 1st August 1991 may continue to be passed as fit for use for trade if it bears the legend “Only to be used on a level surface”; provided that it meets the tilt testing requirements for a machine having an adjustable levelling device or devices instead of the requirements in paragraph 16 of Schedule 2 which would otherwise apply to it.

(4) Notwithstanding paragraph (1)(b), in so far as concerns errors over the first part of the range, a non-automatic weighing machine (other than a self or semi-self indicating graduated machine with an analogue indicating device) which was first passed as fit for use for trade before 1st August 1991 may continue to be passed as fit for use for trade provided that the error in excess or in deficiency over the first part of the range is within or equal to one verification scale interval.

(5) In the case of any non-automatic weighing machine imported from 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 36, the test report recites and the test data confirm to the satisfaction of the inspector that on testing in the relevant EEA State it fell within the prescribed limits of error; and
- (b) it complies with all the relevant requirements of these Regulations.

Stamping

40.—(1) The stamp shall be placed on the plug, stud or plate and on every sealing device referred to in regulation 22.

(2) A non-automatic weighing machine shall not be stamped in accordance with paragraph (1) if it bears any mark which, in the opinion of the inspector, might reasonably be mistaken for the stamp, or any statement or mark (other than an inspector’s stamp) which purports to be or, in the opinion of the inspector, might reasonably be mistaken for an expression of approval or guarantee of accuracy by any body or person.

Obliteration of stamps

41. 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 in relation to obliteration of stamps

42.—(1) Subject to paragraphs (2) and (3), an inspector shall obliterate the stamp on any non-automatic weighing machine which—

- (a) fails upon testing to fall within the prescribed limits of error in relation to obliteration of the stamp; or
- (b) fails to comply with any other appropriate requirement of these Regulations.

(2) Except as provided by regulation 43, where any non-automatic weighing machine 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 any person in control of the machine a notice calling on him to have the machine 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) Notwithstanding paragraph (1)(a), in so far as concerns errors over the first part of the range, a non-automatic weighing machine (other than a self or semi-self indicating graduated machine with an analogue indicating device) which was first passed as fit for use for trade before 1st August 1991 may remain in use provided that the error in excess or deficiency over the first part of the range is within or equal to two verification scale intervals.

Particular circumstances in which an inspector shall or may obliterate stamps

43.—(1) An inspector shall obliterate the stamp on any non-automatic weighing machine 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 39.

(2) Subject to paragraph (3), an inspector shall obliterate the stamp on any non-automatic weighing machine which has, since it was last stamped, been the subject of any adjustment, alteration, addition, repair or replacement which could, in the opinion of the inspector, have affected its accuracy or function.

(3) Where a machine has been subjected to one or other of the occurrences in paragraph (2) and the chief inspector of weights and measures has been furnished in writing with details of the occurrence, an inspector may obliterate the stamp.

Other circumstances in which an inspector may obliterate stamps

44. An inspector may obliterate the stamp on any non-automatic weighing machine which—

- (a) is in use for trade for a particular purpose and:
 - (i) which does not meet the requirements of regulation 4; or
 - (ii) for which purpose, in the opinion of the inspector, it is otherwise unsuitable; or
- (b) is in use for trade in circumstances where the machine is subjected to any extraordinary environmental or operating conditions which, in the opinion of the inspector—
 - (i) prevent the machine operating consistently and correctly, or
 - (ii) are likely prematurely to degrade the metrological characteristics of the machine.

Consequences of obliteration of stamp

45.—(1) For the purpose of these Regulations, the obliteration of any one stamp on any non-automatic weighing machine shall be deemed to be the obliteration of all other stamps on that machine.

(2) Where the stamp on one non-automatic weighing machine forming part of an inter-connected system is obliterated, paragraph (1) shall not apply so as to prevent the system or any other machine in the system being used, provided that the integrity of the remainder of the system is unimpaired.

“Out of use” notice

46. Where the inspector has obliterated a stamp on a non-automatic weighing machine which is made available for use by the public (whether on payment or otherwise) he may attach to the machine a notice bearing the words—

“Out of use”.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 13th January 2006.

L.S.

M. Bohill
A senior officer of the
Department of Enterprise, Trade and Investment