

**2007 No. 387**

**WEIGHTS AND MEASURES**

**The Measuring Instruments (Capacity Serving Measures) (Use for Trade) Regulations (Northern Ireland) 2007**

*Made* - - - - *31st August 2007*

*Coming into operation* - *15th October 2007*

The Department of Enterprise, Trade and Investment<sup>(a)</sup> makes the following Regulations in exercise of the powers conferred by Article 13(1) of the Weights and Measures (Northern Ireland) Order 1981<sup>(b)</sup> and now vested in it<sup>(c)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the Measuring Instruments (Capacity Serving Measures) (Use for Trade) Regulations (Northern Ireland) 2007 and shall come into operation on 15th October 2007.

**Interpretation**

2. In these Regulations—

“the 2006 Regulations” means the Measuring Instruments (Capacity Serving Measures) Regulations 2006<sup>(d)</sup>;

“capacity serving measure” means a capacity measure designed to determine a specified volume of liquid (other than a pharmaceutical product) which is sold for immediate consumption;

“essential requirements” means the requirements set out in Schedule 1 to the 2006 Regulations;

“place on the market” means making available for the first time in a member State a capacity serving measure intended for an end user, whether for reward or free of charge; and

“put into use” means the first use of a capacity serving measure intended for the end user for the purposes for which it was intended.

**Application**

3.—(1) Subject to paragraphs (2) and (3), these Regulations apply to a capacity serving measure described in Schedule 3 to the 2006 Regulations which is—

(a) for use for trade; and

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(a) Formerly the Department of Economic Development; see S.I. 1999/283 (N.I. 1), Art. 3(5)

(b) S.I. 1981/231 (N.I. 10) as amended by 2000 c. 5 (N.I.)

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

(d) S.I. 2006/1264

(b) first placed on the market or put into use on or after 15th October 2007.

(2) These Regulations do not apply to a capacity serving measure which has been first passed as fit for use for trade and stamped before 15th October 2007 under the Capacity Serving Measures (Intoxicating Liquor) Regulations (Northern Ireland) 1993(a) or the Measuring Equipment (Capacity Measures) Regulations (Northern Ireland) 1998(b) and placed on the market before that date.

(3) These Regulations do not apply to a capacity serving measure to which the 2006 Regulations do not apply by virtue of regulation 3(3) thereof.

#### **Requirements for use for trade**

4. A person shall not use for trade a capacity serving measure unless—

- (a) it is compliant with the essential requirements;
- (b) the requirements of regulation 5 are complied with; and
- (c) it does not bear any decorations or designs which might cause confusion in use.

#### **Manner of use**

5. A person shall not use for trade a capacity serving measure for the measurement of intoxicating liquor before its transfer to a container in which the buyer is to receive it, unless the buyer has a clear and unobstructed view of the measurement and transfer.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 31st August 2007.



*M. Bohill*

A senior officer of the Department of Enterprise, Trade and Investment

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(a) S.R. 1993 No. 441 as amended by S.R. 1995 No. 228, S.R. 1998 No. 48 and S.R. 2002 No. 71  
(b) S.R. 1998 No. 48 as amended by S.R. 2004 No. 371 and S.R. 2005 No. 26

## **EXPLANATORY NOTE**

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

These Regulations set out the requirements relating to the use for trade and the manner of use of capacity serving measures. Failure to comply with these requirements is an offence under Article 13(1) of the Weights and Measures (Northern Ireland) Order 1981.

The Regulations have been notified to the European Commission in draft pursuant to Directive 98/34/EC (O.J. No. L204, 21.7.1998, p. 37) as amended by Directive 98/48/EC (O.J. No. L217, 5.8.1998, p.18) which lays down a procedure for the provision of information in the field of technical standards and regulations.