

**2007 No. 388**

**WEIGHTS AND MEASURES**

**The Measuring Instruments (Liquid Fuel by Road Tanker) (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 (Liquid Fuel by Road Tanker) (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 (Liquid Fuel delivered from Road Tankers) Regulations 2006<sup>(d)</sup>;

“accuracy class” means the classification of a meter measuring system determined in accordance with paragraph 19 of Schedule 1 to the 2006 Regulations;

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

“flowrate range” means the range between the minimum flowrate and the maximum flowrate;

“instrument” has the same meaning as meter measuring system;

“meter” means equipment designed to measure continuously, memorise and display the quantity at metering conditions of liquid fuel flowing through the measurement transducer in a closed, fully charged circuit;

“meter measuring system” means a system that comprises the meter and all devices required to ensure correct measurement or intended to facilitate the measuring operations;

“minimum measured quantity” means the smallest quantity of liquid fuel for which the measurement is metrologically acceptable for the meter measuring system;

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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. 2006/1269

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

“put into use” means the first use of an instrument intended for the end user for the purposes for which it was intended; and

“road tanker” means a vehicle or trailer—

- (a) which contains or is intended to contain liquid fuel in a tank forming part of the vehicle; or
  - (b) which carries on it a tank of a capacity exceeding 3 cubic metres which contains or is intended to contain liquid fuel,
- other than the tank containing the fuel used to propel the vehicle or trailer.

### Application

3.—(1) Subject to paragraphs (2) and (3), these Regulations apply to a meter measuring system which is—

- (a) for use for trade in the making of a continuous and dynamic measurement of liquid fuel in a quantity exceeding 100 litres or 100 kilograms, delivered from a road tanker; and
- (b) first placed on the market or put into use on or after 15th October 2007.

(2) These Regulations do not apply to a meter measuring system—

- (a) in respect of which a certificate of approval has been granted before 15th October 2007 and is in force; and
- (b) which is first passed as fit for use for trade and stamped under the Measuring Equipment (Liquid Fuel by Road Tanker) Regulations 1984(a).

(3) These Regulations do not apply to any meter measuring system to which the 2006 Regulations do not apply by virtue of regulation 3(3) to (7) thereof.

### Requirements for use for trade

4. A person shall not use for trade a meter measuring system unless—

- (a) it is compliant with the essential requirements other than the provisions relating to maximum permissible errors referred to in paragraph 16 of Schedule 1 to the 2006 Regulations;
- (b) it has been erected and installed so as to facilitate testing;
- (c) it operates within the maximum permissible errors set out in regulation 5; and
- (d) the requirements of regulations 6 and 7 are complied with.

### Maximum permissible errors

5.—(1) An instrument which falls within an accuracy class of 0.3, 0.5 or 1.0 shall, when used to measure a quantity set out in column 1 of the following Table, operate within the maximum permissible error as set out in column 2, 3 or 4 of that Table (as appropriate) for that class and that quantity.

(2) In that Table, MMQ has the same meaning as minimum measured quantity.

**Table**

	<i>Accuracy Class</i>		
	0.3	0.5	1.0
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>

(a) S.R. 1984 No. 117, as amended by S.R. 1986 No. 307, S.R. 1995 No. 228, S.R. 1997 No. 220, S.R. 2002 No. 71 and S.R. 2005 No. 26.

<i>Quantity delivered</i>	<i>Maximum permissible error</i>	<i>Maximum permissible error</i>	<i>Maximum permissible error</i>
MMQ to and including MMQ x 2	$\pm 0.6\% \times \text{MMQ}$	$\pm 1\% \times \text{MMQ}$	$\pm 2\% \times \text{MMQ}$
>MMQ x 2	$\pm 0.3\% \times \text{quantity delivered}$	$\pm 0.5\% \times \text{quantity delivered}$	$\pm 1\% \times \text{quantity delivered}$

### **Manner of use**

6.—(1) Where a meter measuring system is marked with—

- (a) a temperature range, it shall not be used for trade in temperatures outside that range;
- (b) a flowrate range, it shall not be used for trade at a flowrate outside that range.

(2) A meter measuring system which bears a mark which signifies the manner and purpose of use, shall not be used for trade in a manner or for a purpose which does not accord with that marking.

(3) If a meter measuring system is adjusted, the instrument shall not be used for trade unless the calibration of the instrument is set as close to zero error as is practicable.

(4) A meter measuring system shall not be used for trade unless it is fitted with a ticket printing mechanism which provides an individual printed ticket.

(5) A meter measuring system shall not be used for trade unless the sales indicator—

- (a) is set to zero before measurement of the liquid fuel commences;
- (b) remains at zero until that fuel starts to emerge from the instrument;
- (c) is not reset to zero during measurement of that fuel; and
- (d) cannot be advanced by any means other than by the discharge of that fuel from the instrument and the proper operation of the instrument.

(6) Where the tank containing the liquid fuel to be delivered consists of more than one compartment, that fuel shall not be transferred from one compartment to another when that fuel is being measured.

(7) A meter measuring system shall not be used for trade in circumstances—

- (a) which are likely prematurely to degrade its metrological characteristics; or
- (b) in which it may be prevented from operating consistently or accurately.

### **Minimum measured quantity**

7.—(1) A meter measuring system shall not be used for trade to measure quantities of liquid fuel delivered from a road tanker that are less than the minimum measured quantity but this paragraph shall not apply where—

- (a) a measurement is made to determine payments in respect of any customs or excise duty; or
- (b) a frustrated delivery has taken place and all reasonable precautions have been taken and all due diligence has been exercised to avoid a frustrated delivery.

(2) In paragraph (1)(b), “frustrated delivery” means a delivery of liquid fuel from a road tanker which cannot be completed because—

- (a) there is insufficient space in the buyer’s storage tank;
- (b) continuing the delivery would result in contamination of the liquid fuel or the mixing of different types of liquid fuel; or
- (c) a component of the meter measuring system breaks down.

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



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

## **EXPLANATORY NOTE**

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

These Regulations set out the requirements relating to the use for trade, the maximum permissible errors, the manner of use and the minimum measured quantity of meter measuring systems for liquid fuel delivered by road tanker. 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.