#### STATUTORY INSTRUMENTS

## 1979 No. 41

# WEIGHTS AND MEASURES

# The Measuring Instruments (Intoxicating Liquor) (Amendment) Regulations 1979

Made - - - 15th January 1979

Laid before Parliament 17th January 1979

Coming into Operation 12th February 1979

The Secretary of State, in exercise of the powers conferred by sections 11(3), 14(1), 54(1) and 58 of the Weights and Measures Act 1963(a) and now vested in him(b), and all other powers enabling him in that behalf, hereby makes the following Regulations:—

- 1.—(1) These Regulations may be cited as the Measuring Instruments (Intoxicating Liquor) (Amendment) Regulations 1979 and shall come into operation on 12th February 1979.
- (2) The Measuring Instruments (Intoxicating Liquor) (Amendment) Regulations 1969(c) are hereby revoked.
- 2.—The Measuring Instruments (Intoxicating Liquor) Regulations 1965(d), shall have effect as if—
  - (a) for Regulation 4 there were substituted the following:—
    - "4.—(1) Every measuring instrument for use in measuring intoxicating liquor other than beer or cider shall be fitted—
      - (a) with adequate sight glasses, observation windows or other devices for showing clearly that any measuring chamber is properly charged and discharged; or
      - (b) with a device or devices which prevent—
        - (i) any liquid being discharged by any measuring chamber until the chamber is properly charged; and
        - (ii) any measuring chamber being charged anew until it has been properly discharged.
      - (2) Every measuring instrument for use in measuring beer or cider shall be fitted with a device or devices mentioned in paragraph (1)(b) above;

Provided that this paragraph shall not apply until 1 January 1982 in relation to any instrument stamped as fit for use for trade before 12th February 1979 if it is fitted with adequate sight glasses, observation windows or other devices mentioned in paragraph (1)(a) above.";

<sup>(</sup>d) S.I. 1965/1815 as amended by S.I. 1969/67.

(b) to the Table in Regulation 12(1) (which prescribes the limits of error) there were added at the end the following entry:—

"250 ml

5 ml in excess

5 ml in excess;

- 2 ml in deficiency";
- (c) in Regulation 13(h) after the entry in relation to the gallon, there were added to the list of permitted abbreviations, the following entry:—
  - "Quarter-litre .... ½ litre (or 25 cl or 250 ml):";
- (d) for the proviso to Regulation 13 there were substituted the following:—
  "Provided that nothing in paragraph (h) of this Regulation shall preclude the passing as fit for use for trade of any instrument notwithstanding that the indication of quantity is marked by figures only if the indication is marked on the measuring chamber or a sales indicator and the unit of measurement is boldly marked on the face of the chamber or indicator in a manner which avoids confusion.";
- (e) for Regulation 18 there were substituted the following:—
  - "18.—(1) An inspector shall obliterate the stamp on any measuring instrument which—
    - (a) fails upon testing to measure the liquid with which it is tested to within the appropriate prescribed limits of error when it is operated at any reasonable speed, the speed of operation in respect of any individual delivery being as uniform as practicable; or
    - (b) has ceased to satisfy the requirements of paragraphs (b) to (h) of Regulation 13:

Provided that where a measuring instrument does not fully comply with the requirements of these Regulations, but the nature and degree of the non-compliance is not in the inspector's judgment such as to require the immediate obliteration of the stamp, he shall not obliterate it but shall leave with the manager a notice calling upon him to have the instrument corrected within a stated period (expiring not more than twenty-eight days after the leaving of the notice) and shall obliterate the stamp if the correction is not made within that period.

(2) Where any measuring instrument 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, he may obliterate the stamp on that instrument.".

John Fraser,
Minister of State,
Department of Prices and Consumer
Protection.

### **EXPLANATORY NOTE**

(This Note is not part of the Regulations.)

These Regulations further amend the Measuring Instruments (Intoxicating Liquor) Regulations 1965. The previous amending Regulations are revoked (Reg. 1(2)).

The principal effect of the changes is that measuring instruments used for measuring beer and cider are no longer permitted to be fitted with sight glasses, windows or other devices for showing that the measuring chamber is properly charged and discharged as an alternative to being fitted with devices which prevent any liquid being discharged from the chamber before it is full. That change does not apply until 1 January 1982 in relation to such instruments stamped as fit for use for trade before 12th February 1979 which are fitted with such sight glasses etc as aforesaid (Reg.2(a)).

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