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STATUTORY INSTRUMENTS

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**1988 No. 120**

**WEIGHTS AND MEASURES**

**The Capacity Serving Measures  
(Intoxicating Liquor) Regulations 1988**

<i>Made</i>	- - - -	<i>26th January 1988</i>
<i>Laid before Parliament</i>		<i>8th February 1988</i>
<i>Coming into force</i>	- -	<i>1st July 1988</i>

The Secretary of State, in exercise of his powers under sections 10(1), 11(1) to (4), 15(1) and (2), 86(1) and 94(1) of the Weights and Measures Act 1985(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**PART I**  
**GENERAL**

**Citation, commencement and revocation**

1.—(1) These Regulations may be cited as the Capacity Serving Measures (Intoxicating Liquor) Regulations 1988 and shall come into force on 1st July 1988.

(2) The Capacity Measures (Intoxicating Liquor) Regulations 1983(2) are hereby revoked.

**Interpretation**

2.—(1) In these Regulations —

“the Act” means the Weights and Measures Act 1985;

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

“capacity serving measure” means a capacity measure made of transparent glass or plastic and intended to determine a specified volume of intoxicating liquor for delivery to the consumer;

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

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(1) 1985 c. 72; section 94(1) contains a definition of “prescribed”.  
(2) S.I.1983/1655.

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“discrimination threshold” means, in the case of weighing equipment with a digital indicator, the weight which produces a change of reading of one digit, and in the case of weighing equipment with an analogue indicator, the weight which produces a 1 millimetre movement of the pointer; and

“the stamp” means the prescribed stamp<sup>(3)</sup>.

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

Imperial System		Metric System	
fluid ounce	fl oz	gram	g
pint	pt	millilitre	ml
gallon	gal	millimetre	mm
		litre	l or L
Degree Celsius	... .. °C		

**Application**

3.—(1) Subject to paragraph (2) below, these Regulations apply to the following capacity serving measures for use for trade for the purposes of measuring and serving intoxicating liquor for consumption on or off the premises at which it is sold, namely measures of —

Imperial System	Metric System
4 fl oz	100 ml
5 fl oz (1 gill)	125 ml
6 fl oz	150 ml
1/3 pt	175 ml
8 fl oz	200 ml
1/2 pt	250 ml
1 pt	500 ml
2 pt (1 quart)	1 l
4 pt (1/2 gal)	2 l

(2) These Regulations do not apply to liquid capacity measures specified in paragraph 4 of Schedule 4 to the Weights and Measures (Packaged Goods) Regulations 1986<sup>(4)</sup> for use only for making up or checking packages in accordance with section 49(1) or (2)(a) of the Act.

(3) Capacity serving measures to which these Regulations apply are hereby prescribed for the purposes of section 11(1) of the Act.

(4) The Weights and Measures Regulations 1963<sup>(5)</sup> are hereby amended in regulation 1(2) by the deletion of sub-paragraph (h) and the substitution therefor of the following sub-paragraph:

“(h) capacity serving measures to which the Capacity Serving Measures (Intoxicating Liquor) Regulations 1988 apply.”.

(3) See 1968/1615.

(4) S.I. 1986/2049

(5) S.I. 1963.1710; regulation 1(2) has been amended by S.I. 1977/1932, 1979/1612, 1983/914 and 1655.

## PART II

### MATERIALS AND PRINCIPLES OF CONSTRUCTION AND MARKING OF CAPACITY SERVING MEASURES

4. Every capacity serving measure shall be sufficiently strong, rigid and stable to withstand the wear and tear of ordinary use in trade.

5. Every capacity serving measure shall —

- (a) neither affect, nor be affected by, the intoxicating liquor which it is to be used to measure; and
- (b) if of plastic, after immersion in water at 95°C for 10 minutes, resist deformation under hand pressure and not shrink, distort, split or show signs of striation.

6. Every capacity serving measure shall be constructed so that no air is trapped on filling and no liquid retained on emptying when tilted to an angle of 135° from the vertical.

7.—(1) Capacity serving measures may be either —

- (a) brim measures, which shall have a plane rim and be of a nominal capacity in column 1 of Table 1 in the Schedule to these Regulations; or
- (b) line measures, which shall be of a nominal capacity in column 1 of Table 2 in the Schedule to these Regulations and marked with a line which shall be —
  - (i) on the inside or outside surface of the measure;
  - (ii) conspicuous and durable;
  - (iii) of a thickness of not less than 0.5 mm and not more than 1.5 mm;
  - (iv) subject to paragraph (2) below, of a minimum length as set out in column 5 of the said Table 2 for a measure of the relevant capacity; and
  - (v) at a minimum vertical distance from the top of the line to the plane of the brim as set out in column 3 of the said Table 2 for that measure, and at a maximum vertical distance from the top of the line to the plane of the brim of four times the relevant minimum distance.

(2) Where the minimum length of line referred to in paragraph 1(b)(iv) above is 25 mm, a line measure may instead be marked with two equal co-linear lines which, together with a separation of 2 mm, total not less than 25 mm.

8. A capacity serving measure shall not rock, and its brim and lines shall be reasonably horizontal, when it is on a flat horizontal surface.

9. Every capacity serving measure shall remain reasonably perpendicular when rotated about its vertical axis.

10.—(1) Every capacity serving measure shall have its nominal capacity conspicuously, legibly and durably marked on the outside of the body of the measure (and not on any handle, bottom, rim, edge or stem) in the case of imperial measures in fluid ounces or pints and in the case of metric measures in millilitres or litres, in full or by means of one of the following abbreviations or symbols only —

fl oz, pt, ml, L or l

(2) The nominal capacity shall be marked —

- (a) in the case of a brim measure, adjacent to the brim, in characters of a minimum height as set out in column 3 of Table 1 in the Schedule to these Regulations;

- (b) in the case of a line measure, at the line denoting the nominal capacity, in characters of a minimum height as set out in column 4 of Table 2 in the said Schedule.
- (3) Capacity serving measures —
  - (a) over 10 fl oz in the case of imperial measures may be subdivided into multiples of  $\frac{1}{2}$  pt only;
  - (b) over 250 ml in the case of metric measures may be subdivided into multiples of 250 ml only; and
  - (c) of a nominal capacity of 1 litre may be subdivided at 700 ml and at no other point;
 and such subdivisions shall be —
  - (i) lawful for use for trade; and
  - (ii) marked on the measure in the same field of view as the nominal capacity.
- (4) The number of subdivisions shall be marked on the measure, and each subdivision shall be marked with the capacity it defines.
- (5) The marking of the nominal capacity, an indication of the type of measure (brim or line) and the number of subdivisions may be incorporated with the stamp, provided that, in the opinion of the inspector, such marking of additional information is permanent, legible and conspicuous and is not likely to cause confusion in use.

## PART III

### TESTING

- 11. Every capacity serving measure submitted for testing shall be in a clean condition.
- 12. A capacity serving measure shall be tested by delivering water into it.
- 13. The nominal capacity and every subdivision shall be tested.
- 14. The capacity to the line of a line measure shall be the volume at 20°C when the measure is on a horizontal surface and the bottom part of the meniscus coincides with the top of the line.
- 15. The capacity to the brim of a brim measure shall be the volume at 20°C when the measure is on a horizontal surface and the water is struck off so that the surface of the water is in the same plane as the brim.
- 16. Subject to Regulation 17 below, every capacity serving measure submitted to an inspector for testing shall be tested by him by one of the following methods —
  - (a) volumetrically, by comparison with one or more local or working standards of capacity, or by means of appropriate testing equipment which complies with the Weights and Measures (Local and Working Standard Capacity Measures and Testing Equipment) Regulations 1987(6); or
  - (b) gravimetrically, by determining the weight of an equivalent volume of water of a known temperature using suitable weights and a suitable weighing machine which complies with the requirements of the Weights and Measures (Local and Working Standard Weights and Testing Equipment) Regulations 1986(7) and which has a discrimination threshold in grams equivalent to one-fifth of the amount in millilitres of the appropriate limit of error set out in column 2 of Table 1 or Table 2 as the case may be in the Schedule to these Regulations.

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(6) S.I. 1987/51.  
 (7) S.I. 1986/1685.

17.—(1) Where a group of capacity serving measures of the same design, the same nominal capacity and the same manufacture is submitted for testing, and the conditions specified in paragraph (2) below are satisfied with respect to the group, the testing may, at the request of the submitter, be confined to a number of measures determined and selected as specified in paragraph (3) below.

(2) The conditions referred to in paragraph (1) above are —

- (a) the group shall be clearly identifiable and shall consist of measures which exceed 500 but do not exceed 150,000 in number;
- (b) the measures in the group shall all have been produced by the same production process; and
- (c) the group shall be accompanied by records of the production process and of any subsequent action taken by the manufacturer which are adequate to show that the measures in the group are likely to fall within the prescribed limits of error.

(3) The number of measures referred to in paragraph (1) above shall be determined and the measures shall be selected by sampling plans and procedures using samples which the inspector considers to be representative, in accordance with either (a) below or, at the request of the submitter, (b) below:

- (a) British Standard Specification for Sampling procedures and charts for inspection by attributes BS 6001:1972<sup>(8)</sup> which provides an acceptable quality level equal to 1 per cent. in which case the sample of measures chosen shall be tested for attributes, including for limits of error on capacity which may be done volumetrically or gravimetrically as in Regulation 16 above;
- (b)
  - (i) the test at (a) shall be performed for all the appropriate requirements of these Regulations except for limits of error on capacity;
  - (ii) a sub-sample of the measures chosen for the test at (a), which the inspector considers to be representative, shall be tested gravimetrically as in regulation 16(b) above in accordance with the British Standard Specification for Sampling procedures and charts for inspection by variables for percent defective BS 6002:1979<sup>(9)</sup> and which provide an acceptable quality level equal to 1 per cent.

(4) If the sample selected as specified in paragraph (3) above satisfies the test at (a) or both tests at (b), the other measures in the group shall be treated as having satisfied the test or tests as the case may be.

18. For the purposes of the performance by an inspector of his functions under the Act or these Regulations relating to inspection, testing, passing as fit for use for trade and stamping of any capacity measure, a person submitting such a measure to an inspector or who an inspector has reasonable cause to believe has possession of such a measure for use for trade shall, if requested, provide for the inspector's use such material as the inspector may reasonably require, and any material so provided shall be returned to the person in question.

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<sup>(8)</sup> SBN No. 580 07081 6, published by the British Standards Institution on 30th March 1972 as amended February 1984.

<sup>(9)</sup> ISBN No. 0 580 10806 6, published by the British Standards Institution on 31st May 1979.

## PART IV

### SUPPLEMENTARY PROVISIONS

#### **Prescribed limits of error**

**19.**—(1) The prescribed limits of error relating to the nominal capacity of capacity serving measures shall be the amounts set out in column 2 of Tables 1 and 2 in the Schedule to these Regulations.

(2) The prescribed limits of error relating to any subdivision of a capacity serving measure shall be:

- (a) the limits of error of a line measure of the equivalent capacity in Table 2; or
- (b) if the equivalent capacity is not shown, calculated by proportionate interpolation.

#### **Passing as fit for use for trade**

**20.** No capacity serving measure shall be passed as fit for use for trade unless —

- (a) on testing
  - (i) subject to regulation 10(5) above, it complies with all the appropriate requirements of these Regulations;
  - (ii) it falls within the prescribed limits of error; and
  - (iii) an inspector is of the opinion that it is not constructed in a manner which facilitates fraudulent use, and that it does not bear any decorations or designs which might cause confusion in use; or
- (b) where it has not been tested, it forms part of a group of measures treated under regulation 17(4) above as having satisfied the test or tests as the case may be.

#### **Stamping**

**21.**—(1) The stamp shall be placed on the outside of the capacity serving measure adjacent to the marking of its nominal capacity.

(2) No capacity serving measure shall be stamped if it bears any other mark which, in the opinion of the inspector, might reasonably be mistaken for the stamp or an expression of approval or guarantee of accuracy.

#### **Obliteration of stamps**

**22.**—(1) An inspector shall obliterate the stamp or manufacturer's mark on any measure which —

- (a) fails upon testing to fall within the prescribed limits of error; or
- (b) fails to comply with any other appropriate requirement of these Regulations; or
- (c) has been the subject of any adjustment, alteration, addition, damage or repair which could, in the opinion of the inspector, have affected its compliance with the appropriate requirements of these Regulations:

Provided that an inspector shall not obliterate the stamp or manufacturer's mark on any capacity serving measure which falls within the prescribed limits of error and which was first stamped or marked with the manufacturer's mark before 1st July 1988, notwithstanding that it fails to comply with other appropriate requirements of these Regulations.

(2) In this regulation, "manufacturer's mark" means a mark on a liquid capacity measure authorised under the Capacity Measures (Intoxicating Liquor) Regulations 1983.

26th January 1988

*Francis Maude*  
Parliamentary Under-Secretary of State,  
Department of Trade and Industry

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## SCHEDULE

Regulations 7,10,16 and 19

Table 1  
BRIM MEASURES

Nominal Capacity Limits of Error (ml) (In Excess Only)	Minimum Height of Marking (mm)	
(1)	(2)	(3)
250 ml	20	4.5
500 ml	30	4.5
1000 ml	60	6
2000 ml	120	6
⅓ pint	20	4.5
½ pint	20	4.5
1 pint	34	4.5
2 pint	68	6
4 pint	136	6

Table 2  
LINE MEASURES

Nominal Capacity Limits of Error (ml) (In Excess or Deficiency)	Minimum Distance from Top of line to Brim (mm)	Minimum Height of Marking (mm)	Minimum Length of Line or Lines (mm)	
(1)	(2)	(3)	(4)	(5)
100 ml	5	6	3	10
125 ml	6	6	3	10
150 ml	7.5	6	3	10
175 ml	9	6	3	10
200 ml	10	6	4.5	25
250 ml	10	10	4.5	25



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Nominal Capacity Limits of Error (ml)  (In Excess or Deficiency)	Minimum Distance from Top of line to Brim  (mm)	Minimum Height of Marking  (mm)	Minimum Length of Line or Lines  (mm)	
(1)	(2)	(3)	(4)	(5)
500 ml	15	10	4.5	25
1000 ml	30	16	6	25
2000 ml	60	16	6	25
4 fl oz	5.5	6	3	10
5 fl oz	7	6	3	10
6 fl oz	8.5	6	3	10
⅓ pint	10	10	4.5	25
8 fl oz	10	10	4.5	25
½ pint	10	10	4.5	25
1 pint	17	10	4.5	25
2 pint	34	16	6	25
4 pint	68	16	6	25

### EXPLANATORY NOTE

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

These Regulations prescribe, for the purposes of section 11(1) of the Weights and Measures Act 1985, certain liquid capacity measures for use for trade for the purposes of measuring and serving intoxicating liquor for consumption on or off the premises at which it is sold. The capacity serving measures covered are

- (a) those between 4 and 8 fluid ounces and between 100 and 250 millilitres formerly prescribed by the Capacity Measures (Intoxicating Liquor) Regulations 1983; and
- (b) those between half a pint and four pints and between 500 millilitres and two litres formerly prescribed by the Weights and Measures Regulations 1963.

The effect of prescription is to make it unlawful to use these measures for trade purposes unless they have been tested, passed as fit for such use and stamped by an inspector of weights and measures. Other measures which comply with the Weights and Measures Regulations 1963, eg those made of pewter, may be used for intoxicating liquor, but in accordance with the Weights and Measures Act

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1963 (Intoxicating Liquor) Order 1984 beer and cider shall be sold by retail only in a quantity of  $\frac{1}{3}$  pint,  $\frac{1}{2}$  pint or a multiple of  $\frac{1}{2}$  pint.

The Regulations make provision for —

- (a) the materials and principles of construction and marking of capacity serving measures (regulations 4 to 10);
- (b) their testing, including testing based on the results of testing a sample from a group of measures (regulations 11 to 18); and
- (c) the prescribed limits of error, passing as fit for use for trade, stamping and obliteration of stamps (regulations 19 to 22).

The Regulations make the following changes of substance —

- (a) for measures formerly prescribed by the Capacity Measures (Intoxicating Liquor) Regulations 1983
  - (i) the marking of measures with a manufacturer's mark is no longer permitted;
  - (ii) the maximum size of a group of measures from which a sample is drawn for testing purposes is increased from 10,000 to 150,000;
- (b) for measures formerly prescribed by the Weights and Measures Regulations 1963 —
  - (i) placing and length of the line on line measures are amended;
  - (ii) the prescribed limits of error on line measures are revised and are now in excess or in deficiency (formerly in excess only); and
  - (iii) testing based on the results of testing a sample from a group of measures is introduced.

Copies of the British Standard Specifications referred to in regulation 17 may be obtained from any of the sales outlets operated by the British Standards Institution (BSI) or by post from the BSI at Linford Wood, Milton Keynes, MK14 6LE.