

1988 No. 128

WEIGHTS AND MEASURES

**The Measuring Equipment (Liquid Fuel and Lubricants)
Regulations 1988**

<i>Made - - - -</i>	<i>28th January 1988</i>
<i>Laid before Parliament</i>	<i>8th February 1988</i>
<i>Coming into force</i>	<i>1st March 1988</i>

The Secretary of State, in exercise of the powers conferred by sections 11(1) and (4), 12(12), 15(1), 86(1) and 94(1) of the Weights and Measures Act 1985(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement, interpretation and revocation

1.—(1) These Regulations may be cited as the Measuring Equipment (Liquid Fuel and Lubricants) Regulations 1988 and shall come into force on 1st March 1988.

(2) In these Regulations—

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

“certificate of approval” means a certificate of approval of a pattern of measuring equipment granted or renewed by the Secretary of State under section 12 of the Act;

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

“grade” in relation to any petrol means one of the following grades, that is to say, 2 star, 3 star or 4 star as mentioned in the British Standard Specification for leaded petrol (gasoline) for motor vehicles BS 4040:1985 published by the British Standards Institution on 31st May 1985(b) or, as the case may be, Premium or Regular as mentioned in the British Standard Specification for unleaded petrol (gasoline) for motor vehicles BS 7070:1985 published by the British Standards Institution on 31st October 1985(c);

“liquid fuel” includes liquid fuel, lubricants and any mixture of liquid fuel and lubricants;

“measuring equipment” means any measuring equipment, other than a capacity measure, including a measuring device, ancillary equipment associated with it and any other equipment physically or otherwise connected to it whether or not such equipment has been connected to ensure correct measurement or is intended to facilitate operation of the measuring device and ancillary equipment;

“minimum delivery” means the smallest quantity of liquid fuel which the measuring equipment is designed to measure;

“notice of examination” means a notice of examination giving particulars of a pattern caused to be published by the Secretary of State;

“pattern” has the meaning set out in regulation 4(1) below;

“prescribed limits of error” has the meaning set out in regulation 17 below; and

“the stamp” means the prescribed stamp (d).

(a) 1985 c.72; section 94(1) contains a definition of “prescribed”.

(b) ISBN 0 580 14463 1.

(c) ISBN 0 580 14714 2.

(d) See S.I. 1968/1615.

(3) The Measuring Equipment (Liquid Fuel and Lubricants) Regulations 1983(a) and the Measuring Equipment (Liquid Fuel and Lubricants) (Amendment) Regulations 1985(b) are hereby revoked.

Application

2.—(1) Subject to paragraph (2) below, these Regulations shall apply to all measuring equipment for use for trade in the making of any measurement of liquid fuel in a quantity not exceeding 20 gallons if it is constructed to measure in imperial units, or 100 litres if it is constructed to measure in metric units, other than equipment for use for trade in the making of any measurement of liquefied petroleum gas; and measuring equipment to which these Regulations apply is hereby prescribed for the purposes of section 11(1) of the Act.

(2) Nothing in these Regulations shall apply to any measuring equipment for use for the measurement by capacity of liquid fuel in a quantity not exceeding 100 litres which, in accordance with a programme of automatic control and without the intervention of an operator during the measuring process, measures quantities of those products to a constant nominal capacity, the quantities being kept separate.

Purposes of use for trade

3. No person shall use for trade any measuring equipment fitted with a price to pay indicating device in digital form if it indicates during a measuring operation a part of a penny in the amount of the price to be paid by the buyer.

Principles of construction and marking of measuring equipment

4.—(1) All measuring equipment shall be made in accordance with a pattern in respect of which a certificate of approval is in force, and in these Regulations "the pattern" means the particular pattern in accordance with which any particular measuring equipment is so made.

(2) Any measuring equipment first submitted for testing with a view to passing as fit for use for trade before 1st January 1981 may, and any measuring equipment first submitted for such testing on or after such date shall, be legibly and durably marked with the number of the certificate of approval or of the notice of examination, preceded by the words "Certification No.", "Cert. No." or "Notice No." as the case may be.

5. All measuring equipment shall be legibly and durably marked with the name of the manufacturer.

6. Every individual sales indicator fitted to measuring equipment shall be so arranged that—

- (a) the indicator reading is capable of being set to zero before a delivery commences; and
- (b) the indicator reading cannot be advanced by any means other than by the proper operation of the equipment.

7. Every marking, notice, inscription or indication on measuring equipment referring to the method of operation or to the quantity of liquid fuel delivered shall be conspicuously, legibly and durably marked in a suitable position in plain block characters on a plain background and in distinct contrast to it.

8.—(1) Subject to paragraphs (2) and (3) below, all measuring equipment which forms part of a fixed installation shall be so positioned that a buyer may readily obtain a clear unobstructed view—

- (a) of all the operations carried out by any other person using the equipment to measure the liquid fuel being supplied to the buyer; and
- (b) of any device on the equipment which is designed to indicate to the buyer the quantity supplied or the amount payable or that delivery is being effected.

(a) S.I. 1983/592.

(b) S.I. 1985/209.

(2) Paragraph (1) above shall not apply to any equipment for use only for measuring kerosene except where the equipment is—

- (a) situated on premises where petrol is sold; or
- (b) used for measuring kerosene in the course of delivery into the fuel tanks of vehicles.

(3) Paragraph (1) above shall not apply to any equipment normally used for the measurement of lubricants in the absence of the buyer.

Manner of use for trade

9. All measuring equipment shall be used for trade in such a manner that every individual sales indicator shall be set to zero before a delivery commences.

Testing

10. All measuring equipment shall be tested by an inspector under practical working conditions with the liquid fuel that the equipment is intended to deliver.

11. No measuring equipment shall be tested unless it is complete with all its parts as described in the certificate of approval or notice of examination, as the case may be.

12. All measuring equipment which is to be permanently fixed in the position in which it is to be used shall be tested, passed as fit for use for trade and stamped only when completely erected ready for use and installed at the place where it is to be used.

13.—(1) Before testing any measuring equipment fitted with a discharge hose, the inspector shall ensure that liquid fuel has first been passed through the equipment:

Provided that this regulation shall not apply to equipment used for the measurement of such liquid fuel where the delivery system remains permanently full up to the outer extremity of the discharge hose.

(2) In paragraph (1) above the expression “hose” includes rigid pipe work.

14. 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 measuring equipment, a person submitting such equipment to an inspector or who an inspector has reasonable cause to believe has possession of such equipment for use for trade shall, if requested, provide for the inspector’s use such liquid fuel and other equipment as the inspector may reasonably require, and any liquid fuel so provided shall be returned to the person in question or be placed in another suitable receptacle reasonably convenient for the purpose and nominated and provided by the proprietor or person in charge of the equipment.

15.—(1) An inspector may open any locked or sealed tank or container for the purpose of testing any measuring equipment or the return of liquid fuel withdrawn during testing, and any liquid fuel so withdrawn shall, upon the conclusion of the test, be forthwith returned to the tank or container from which it was withdrawn if the inspector is of the opinion that it is practicable and desirable so to do and the proprietor or person in charge of the equipment does not object; otherwise, it shall be placed in another suitable receptacle reasonably convenient for the purpose and nominated and provided by the proprietor or person in charge of the equipment.

(2) The inspector, if requested, shall give to the proprietor or person in charge of the said equipment a signed and dated statement of the quantity of such liquid fuel withdrawn from the tank or container and returned or placed as aforesaid.

16. An inspector shall securely re-fasten any tank or container opened under regulation 15(1) above immediately after the conclusion of the test and the return of any liquid fuel withdrawn during testing or its placing in another receptacle; and for this purpose he shall replace any seal or link broken by him in opening the said tank or container with a seal upon which he shall affix the stamp.

Prescribed limits of error

17.—(1) The prescribed limits of error relating to any measuring equipment shall be those set out in Table 1 in the Schedule to these Regulations:

Provided that—

- (a) except in the case of equipment constructed to deliver a fixed quantity only, for a quantity equivalent to the minimum delivery of the equipment the prescribed limits of error shall be those set out in Table 2 in the Schedule to these Regulations;
- (b) where a quantity indicated by the measuring equipment is larger than the minimum delivery of the equipment, then the prescribed limit of error for the said quantity shall never be less than that prescribed for the quantity equivalent to the minimum delivery of the equipment set out in the said Table 2;
- (c) if, on testing with a view to passing as fit for use for trade, the errors on all the quantities of individual grades of liquid fuel indicated by the measuring equipment during the tests are all errors in excess or all errors in deficiency then, notwithstanding that they are all within the prescribed limits of error set out in the said Table 1 or 2 as appropriate, at least one of them shall not exceed either—
 - (i) one-half of the prescribed limits of error set out in the said Table 1 or 2 as appropriate; or
 - (ii) 0.3% of the quantity indicated;

whichever is the greater;

- (d) in relation to the retesting of any equipment fitted with a price computing device which—
 - (i) is, in the opinion of an inspector, only required to be retested as a result of an adjustment of that device occasioned by a change in price; and
 - (ii) has previously been tested and passed as fit for use for trade (but not since the said adjustment was made),the prescribed limits of error shall be the amounts set out in the said Table 1 or 2 as appropriate in relation to obliteration of the stamp; and
- (e) in relation to the retesting of any equipment converted to indicate the quantity delivered in metric units which—
 - (i) is, in the opinion of an inspector, only required to be retested as a result of such conversion; and
 - (ii) has previously been tested and passed as fit for use for trade (but not since the said conversion was made),the prescribed limits of error shall be the amounts set out in the said Table 1 or 2 as appropriate in relation to obliteration of the stamp.

(2) On the testing of any measuring equipment fitted with a price computing device the difference between the price indicated by that device and the price computed on the basis of the unit price and of the quantity indicated for test purposes shall not exceed the price of the quantity equal to the error in deficiency set out in the said Table 2 for a quantity equivalent to the minimum delivery of the equipment in relation to obliteration of the stamp.

Passing as fit for use for trade

18.—(1) No measuring equipment 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 measures and delivers the liquid fuel with which it is tested to within the 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.

(2) No measuring equipment fitted with a price to pay indicating device in digital form shall be passed as fit for use for trade if it is capable of indicating during a measuring operation a part of a penny in the amount of the price to be paid by the buyer.

Stamping

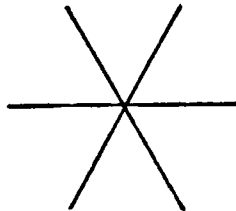
19.—(1) All measuring equipment shall be provided with such sealing arrangements as may be contained in the certificate of approval or the notice of examination in respect of that pattern.

(2) The stamp shall be placed on every plug, seal or sealing device authorised in accordance with paragraph (1) above.

20. No measuring equipment shall be stamped in accordance with regulation 19(2) above if it bears any mark which, in the opinion of the inspector, might reasonably be mistaken for the stamp.

Obliteration of stamps

21. 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—



22.—(1) An inspector shall obliterate the stamp on any measuring equipment which—

(a) fails upon testing to fall within the prescribed limits of error in relation to obliteration of the stamp set out in Table 1 or 2 in the Schedule hereto as appropriate to the case; or

(b) fails to comply with any other appropriate requirement of these Regulations;

Provided that where any measuring equipment 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 person in charge of the equipment a notice calling on him to have the equipment 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.

(2) An inspector shall obliterate the stamp on any measuring equipment 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 18 above.

(3) Where any measuring equipment 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, he may obliterate the stamp on that equipment.

23. For the purposes of these Regulations, the obliteration, destruction or defacement of any one stamp on any measuring equipment shall be deemed to be the obliteration of all other stamps on that equipment, except where the stamp has been lawfully obliterated under regulation 24 or 25 below.

Lawful use for trade of equipment where stamps destroyed, obliterated or defaced

24.—(1) It shall be lawful to destroy, obliterate or deface a stamp on any measuring equipment, and it shall not be a contravention of section 11(2) of the Act to use such equipment for trade during the relevant period by reason only that a stamp on it has been lawfully destroyed, obliterated or defaced (such destruction, obliteration or defacement being in this Regulation referred to as "the occurrence") if—

(a) the person responsible for the occurrence is, or is the duly authorised agent of, the proprietor of the equipment or a person who is the manufacturer, or is regularly engaged in the repair, of equipment for measuring liquid fuel;

- (b) the occurrence was confined to the stamp protecting the price computing device of the equipment and the stamp on the indicator of the price per gallon (or per half a gallon or per litre as the case may be);
- (c) the occurrence was only to permit an adjustment of that device and that indicator; and
- (d) notification in writing complying with paragraph (2) below of the occurrence has been given by the proprietor of the equipment or his duly authorised agent before the occurrence to the chief inspector of weights and measures for the area in which the equipment is situated.

(2) The notification referred to in paragraph (1) above shall contain the following information—

- (a) the location of, and particulars by which, the equipment may be identified;
- (b) the intended date of the occurrence;
- (c) the business name and address of the proprietor or other person referred to in paragraph (1)(a) above; and
- (d) the name and address of the person giving the notification.

(3) In paragraph (1) above “relevant period” means a period of 28 days beginning with the day on which the notification referred to in that paragraph is given in accordance with that paragraph.

25.—(1) It shall be lawful to destroy, obliterate or deface a stamp on any measuring equipment, and it shall not be a contravention of section 11(2) of the Act to use such equipment for trade during the relevant period by reason only that a stamp on it has been lawfully destroyed, obliterated or defaced (such destruction, obliteration or defacement being in this regulation referred to as “the occurrence”) if—

- (a) the person responsible for the occurrence is, or is the duly authorised agent of, a person who is the manufacturer, or is regularly engaged in the repair, of equipment for measuring liquid fuel;
- (b) the occurrence was only to facilitate or permit the adaptation of the equipment to measure in metric quantities;
- (c) where the occurrence relates to the stamp on the measuring equipment protecting the calibration of the measuring device, the person responsible for the occurrence has attached to the equipment some seal or other device which must be defaced or removed before the calibration of the measuring device can be adjusted; and
- (d) notification in writing complying with paragraph (2) below of the occurrence has been given by the proprietor of the equipment or his duly authorised agent before the occurrence to the chief inspector of weights and measures for the area in which the equipment is situated.

(2) The notification referred to in paragraph (1) above shall contain the following information—

- (a) the location of, and particulars by which, the equipment may be identified;
- (b) the intended date of the occurrence;
- (c) the business name and address of the person referred to in paragraph (1)(a) above;
- (d) the name and address of the person giving the notification; and
- (e) whether the occurrence is of a type mentioned in paragraph (3)(a) or (3)(b) below.

(3) In paragraph (1) above, “relevant period” means—

- (a) where the stamp on the measuring equipment protecting the calibration of the measuring device remains intact and notification of the fact that some other stamp has been destroyed, obliterated or defaced has been given in accordance with that paragraph, a period of 28 days beginning when notification is so given; or

- (b) where the stamp on the measuring equipment protecting the calibration of the measuring device has been destroyed, obliterated or defaced and notification of the destruction, obliteration or defacement of that stamp has been given in accordance with that paragraph, a period of 5 days beginning when notification is so given.

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

28th January 1988

SCHEDULE

Regulations 17 and 22

TABLE 1

(Prescribed limits of error for quantities other than the equivalent to the minimum delivery of the equipment and ordinarily applicable upon testing)

<i>Quantity indicated</i>	<i>In relation to passing as fit for use for trade, in excess or in deficiency</i>	<i>In relation to obliteration of the stamp</i>
0.2 litre to 0.4 litre	4 millilitres	8 millilitres in excess. 4 millilitres in deficiency.
From 0.4 litre to 0.6 litre	1% of the quantity indicated	2% of the quantity indicated in excess. 1% of the quantity indicated in deficiency.
From 0.6 litre to 1 litre	6 millilitres	2% of the quantity indicated in excess. 1% of the quantity indicated in deficiency.
From 1 litre to 2 litres	6 millilitres	20 millilitres in excess. 10 millilitres in deficiency.
2 litres or more.	0.3% of the quantity indicated	1% of the quantity indicated in excess. 0.5% of the quantity indicated in deficiency.

TABLE 2

(Prescribed limits of error for quantities equivalent to the minimum delivery of the equipment and ordinarily applicable upon testing)

<i>Minimum delivery</i>	<i>In relation to passing as fit for use for trade, in excess or in deficiency</i>	<i>In relation to obliteration of the stamp</i>
0.2 litre to 0.4 litre	8 millilitres	16 millilitres in excess. 8 millilitres in deficiency.
From 0.4 litre to 0.6 litre	2% of indicated minimum delivery	4% of indicated minimum delivery in excess. 2% of indicated minimum delivery in deficiency.
From 0.6 litre to 1 litre	12 millilitres	4% of indicated minimum delivery in excess. 2% of indicated minimum delivery in deficiency.
From 1 litre to 2 litres	12 millilitres	40 millilitres in excess. 20 millilitres in deficiency.
2 litres or more	0.6% of indicated minimum delivery	2% of indicated minimum delivery in excess. 1% of indicated minimum delivery in deficiency.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the Measuring Equipment (Liquid Fuel and Lubricants) Regulations 1983 as amended. They apply to all measuring equipment, other than capacity measures and those used for the measurement of liquefied petroleum gas, for use for trade in the making of any measurement of liquid fuel or lubricants or any mixture of such fuel and lubricants in a quantity not exceeding 20 gallons or 100 litres. They make provision as to the principles of construction and marking of measuring equipment, inspection, testing, passing as fit for use for trade and stamping of such equipment (and obliteration of stamps on such equipment), and the prescribed limits of error. The Regulations prescribe this equipment for the purposes of section 11(1) of the Weights and Measures Act 1985 so that it is unlawful to use it for trade purposes unless it has been tested, passed as fit for such use and stamped by an inspector of weights and measures.

The Regulations make the following changes of substance—

- (a) the definition of “grade” has been amended to refer to the revised British Standard Specification for leaded petrol and to include the Specification for unleaded petrol (regulation 1(2));
- (b) provision has been included for an inspector to be supplied with other equipment necessary to enable him to carry out his functions (eg magnetic cards and padlock keys so that at unattended petrol stations he can return to the storage tanks fuel drawn for testing purposes) (regulation 14); and
- (c) with one exception provisions concerned with the conversion of equipment from halfpenny rounding to penny rounding in the price to pay as a result of the demonetisation of the halfpenny have been omitted, as this process has been completed; the exception prevents such equipment being passed as fit for use for trade in the future (regulation 18(2)).

Copies of British Standards (see regulation 1(2)) can 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.

£1.60 net

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