



2000 CHAPTER 5

Section 1—Amendments

Testing by official EEA testers

2. After Article 9A of the 1981 Order (inserted by this Act) there shall be inserted the following Article—

“Testing by official EEA testers

9B.—(1) This Article applies where—

- (a) any equipment which has been tested by an official EEA tester is at any time submitted to an inspector under Article 9(3);
- (b) the test report of the official EEA tester is submitted to the inspector at that time; and
- (c) that report states which tests have been applied to the equipment and sets out the results of those tests.

(2) Article 9 shall have effect as if—

- (a) sub-paragraph (a) of paragraph (3) required the inspector not to test the equipment in the manner mentioned in that sub-paragraph; and
- (b) sub-paragraphs (b) and (c) of that paragraph required him to rely, for the purposes of those sub-paragraphs, on the test report of the official EEA tester.

(3) In this Article “official EEA tester”, in relation to the testing of equipment of any description, means a person who, at the time when the tests were applied—

- (a) had responsibility in an EEA State for the metrological control of equipment of that description; or

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(b) was accredited in an EEA State as a person operating a laboratory, in conformity with the criteria set out in the applicable European Standard, for the purpose of testing equipment of that description.

(4) In paragraph (3) “EEA State” means a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993.”.

Pre-test stamping

3.—(1) After Article 13 of the 1981 Order there shall be inserted the following Article—

“Pre-test stamping by certain manufacturers

13A.—(1) Subject to paragraph (2), an approved verifier who is the manufacturer of any equipment to which Article 9 applies may apply the prescribed stamp to the equipment, notwithstanding that it has not been passed as fit for use for trade, if he is satisfied on reasonable grounds that it will not be used (whether for trade or otherwise) unless either—

- (a) the equipment has been passed as fit for use for trade; or
- (b) the stamp has been destroyed, obliterated or defaced.

(2) A prescribed stamp shall not be applied under paragraph (1) unless the stamp includes the approved verifier's number.

(3) If any person contravenes paragraph (2), he shall be guilty of an offence and any equipment in respect of which the offence was committed shall be liable to be forfeited.

(4) A prescribed stamp which has been duly applied to any equipment under paragraph (1) shall have effect as follows—

- (a) at any time before the equipment is passed as fit for use for trade, as an indication that, at the time when the stamp was applied, the approved verifier was satisfied as mentioned in paragraph (1); and
- (b) at any time after the equipment is so passed, as evidence of the passing of the equipment as fit for such use.

(5) Where equipment to which a prescribed stamp has been duly applied under paragraph (1) is passed as fit for use for trade, nothing in Article 9(3)(b) or (3A)(b) shall require another such stamp to be applied to it.

(6) Where the approved verifier fails to pass as fit for use for trade equipment to which a prescribed stamp has been applied under paragraph (1), he may destroy, obliterate or deface the stamp—

- (a) in any case where there is a prescribed manner of doing so, in that manner; and

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(b) in any other case, in such reasonable manner as will leave no doubt that the stamp has been intentionally destroyed, obliterated or defaced.

(7) References in paragraphs (4) to (6) to prescribed stamps which have been applied do not include references to such stamps which have subsequently been destroyed, obliterated or defaced.”

(2) In Article 2(2) of the 1981 Order (interpretation), in the definition of “stamp”, after the word “means” there shall be inserted the words “, subject to Article 13A(4),”.

(3) In Article 47(1) of the 1981 Order (penalties), after “13(4),” there shall be inserted “13A(3),”.

Interpretation

4. In this Act “the 1981 Order” means the Weights and Measures (Northern Ireland) Order 1981 (NI 10).

Short title

5. This Act may be cited as the Weights and Measures (Amendment) Act (Northern Ireland) 2000.

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