

These notes refer to the Weights and Measures (Amendment) Act (Northern Ireland) 2000 (c.5) which received Royal Assent on 20 December 2000

Weights and Measures (Amendment) Act (Northern Ireland) 2000

EXPLANATORY NOTES

BACKGROUND AND POLICY OBJECTIVES

3. The three deregulatory measures contained in the Act were first proposed for inclusion in the composite Deregulation (Northern Ireland) Order 1997 ("the 1997 Order"). They were withdrawn in March 1997, when the Parliamentary process for the allied Deregulation (Weights and Measures) Order 1998 (scheduled to be made by the Department of Trade and Industry (DTI) under the Deregulation and Contracting Out Act 1994 ("the 1994 Act")) was interrupted by the dissolution of Parliament prior to the General Election of 1 May 1997.
4. The three measures were later proposed for inclusion in a second composite draft Deregulation (Northern Ireland) Order in October 1997. It did not prove possible, however, to process this draft Order in accordance with normal procedures and bring it into effect before February 1999 (the then estimated date for devolution of power to the new Northern Ireland Assembly). It was agreed therefore in August 1998 that these three deregulatory measures and the others contained in the draft Order should be deferred for consideration by the Assembly.
5. The principal policy objective of the Act is to replicate for Northern Ireland those three deregulatory measures contained in the Deregulation (Weights and Measures) Order 1999, which was made by the DTI under the 1994 Act on 1 March 1999. Parity will thus be maintained between the legislative provisions on weights and measures here and those in Great Britain (GB), with Northern Ireland continuing to remain on all fours with the rest of the UK.

Purpose of the Act and summary of its main provisions

6. The prime purpose of the Act is to introduce three deregulatory measures to lessen the burdens on business associated with the verification of weighing or measuring equipment (e.g. scales and petrol pumps) under Article 9 (*Weighing or measuring equipment for use for trade*) of the Weights and Measures (Northern Ireland) Order 1981 ("the 1981 Order").
7. Provision is made in the Act as follows:
 - (a) **Self-verification of weighing or measuring equipment**

The 1981 Order is amended to permit approved manufacturers, installers and repairers to conduct their own testing, passing and stamping (verification) of weighing or measuring equipment as fit for use for trade. Currently such equipment is required to be verified by an inspector of weights and measures (“inspector”) under Article 9 of the 1981 Order.

(b) Testing by official EEA testers

The 1981 Order is amended to allow persons who require any weighing or measuring equipment to be passed by an inspector as fit for use for trade to submit, together with the equipment, test reports from third-party testers established in the European Economic Area ("official EEA testers").

Such reports are required to:

- (i) confirm that the equipment has been tested in accordance with any tests prescribed for that equipment;
- (ii) state which tests have been applied; and
- (iii) set out the test results.

If the inspector is satisfied that the tests have been performed by a competent person, the inspector will accept the test report as part of his verification of the equipment.

(c) Pre-test stamping

The 1981 Order is amended to enable manufacturers of weighing or measuring equipment (eg glass beer measures), provided they are approved verifiers, to apply the requisite prescribed stamp prior to the equipment being tested and passed as fit for use for trade. The manufacturer must, however, be satisfied that the equipment will be passed as fit for use for trade and that, until it has been passed, it will not be used at any time when it bears the stamp.