

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

COMMENTARY ON SECTIONS

Section 3 : Pre-test stamping

Subsection (1) of this section provides for the insertion of a new Article 13A after Article 13 (*Regulations relating to weighing or measuring for trade*) of the 1981 Order.

Article 13A is entitled “*Pre-test stamping by certain manufacturers*” and provides for manufacturers of weighing or measuring equipment, who are approved verifiers, to apply the prescribed stamp before the equipment has been tested and passed as fit for use for trade (provided they are satisfied that the equipment will not be used unless it has been passed as fit for use for trade) as follows:

- (a) Paragraph (1) is subject to paragraph (2) and allows an approved verifier who is the manufacturer of equipment to which Article 9 applies to apply the prescribed stamp, even when the equipment has not been passed as fit for use for trade, if he is satisfied that it will not be used unless:
 - (i) it has been so passed; or
 - (ii) the stamp has been destroyed, obliterated or defaced.
- (b) Paragraph (2) provides that the prescribed stamp so applied by the approved verifier must include his number.
- (c) Paragraph (3) makes contravention of paragraph (2) an offence, with any associated equipment being liable to forfeiture.
- (d) Paragraph (4) stipulates that application of the prescribed stamp shall indicate that:
 - (i) before equipment is passed as fit for use for trade, the approved verifier is satisfied that it will not be used unless it has been so passed or the stamp has been destroyed, obliterated or defaced; and
 - (ii) after equipment is passed as fit for use for trade, it is thereby proved to have been passed as fit for such use.

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- (e) Paragraph (5) stipulates that equipment, to which the prescribed stamp has been applied under paragraph (1), will not require the application of any further stamp on having been passed as fit for use for trade.
- (f) Paragraph (6) stipulates that, where an approved verifier fails to pass as fit for use for trade any equipment to which the prescribed stamp has been applied under paragraph (1), he may destroy, obliterate or deface the stamp:
 - (i) where there is a prescribed manner of doing so; and
 - (ii) in any other case in such a way that there is no doubt that it has been intentionally destroyed, obliterated or defaced.
- (g) Paragraph (7) stipulates that references in paragraphs (4) to (6) to the application of prescribed stamps do not include references to such stamps subsequently destroyed, obliterated or defaced.

Subsection (2) of this section provides for the insertion of a qualification in the definition of "stamp" in Article 2(2) (*Interpretation*) of the 1981 Order to the extent that, with the introduction of pre-test stamping, such a mark may not necessarily be evidence of the passing of the associated equipment as being fit for use for trade.

Subsection (3) of this section provides for a minor consequential amendment to Article 47(1) (*Penalties*) of the 1981 Order.