

1992 No. 484

## WEIGHTS AND MEASURES

**Non-automatic Weighing Instruments (EEC Requirements)  
(Use for Trade) Regulations (Northern Ireland) 1992**

*Made* . . . . . 19th November 1992

*Coming into operation* . . . . . 1st January 1993

The Department of Economic Development, in exercise of the powers conferred by Article 13(1) of the Weights and Measures (Northern Ireland) Order 1981(a) and now vested in it(b) and of every other power enabling it in that behalf, hereby makes the following Regulations:

*Citation and commencement*

1. These Regulations may be cited as the Non-automatic Weighing Instruments (EEC Requirements) (Use for Trade) Regulations (Northern Ireland) 1992 and shall come into operation on 1st January 1993.

*Interpretation*

2. In these Regulations—

“the 1981 Order” means the Weights and Measures (Northern Ireland) Order 1981;

“the 1992 Regulations” means the Non-automatic Weighing Instruments (EEC Requirements) Regulations 1992(c);

“EC type-approval certificate” means a certificate issued by the Secretary of State under regulation 10 of the 1992 Regulations or by an approved body designated by another member State, as the case may be;

“instrument” means a non-automatic weighing instrument (including ancillary equipment) which—

- (i) requires the intervention of an operator during weighing, and
- (ii) serves to determine the mass or weight of any thing by using the action of gravity on that thing (whether or not it may also determine related matters such as price, quantity or magnitude on the basis of mass or weight);

“load receptor” means a part of a machine on which loads are placed for the purpose of their being weighed;

and other expressions used have the same meanings as in the 1981 Order.

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(a) S.I. 1981/231 (N.I. 10)

(b) By S.I. 1982/846 (N.I. 11) Art. 4

(c) S.I. 1992/1579

*Application*

3. These Regulations apply to any instrument, in use for trade, to which regulation 3 of the 1992 Regulations(a) applies.

*Restrictions on use of instruments for trade*

4.—(1) A person shall not use an instrument for trade for determining a weight outside its weighing range.

(2) Notwithstanding paragraph (1), an instrument may be used for trade—

(a) in the range between zero indication and the minimum capacity only—

(i) during the determination of postal or other tariffs, and

(ii) where there is a common tariff for any weight value at and below that minimum capacity; or

(b) for determining the weight of any item by way of ascertaining the difference between two weights, that is to say, the weight of that item and another item or items and the weight of that other or those other items only.

(3) A person shall not use for trade an instrument carrying a marking required by the EC type-approval certificate or the 1992 Regulations for a purpose which does not accord with the marking.

(4) A person shall not use for trade any instruments other than an instrument of accuracy classification as Class I or Class II in any transaction—

(a) in gold, silver or other precious metal;

(b) in precious stones; or

(c) in jewellery.

(5) A person shall not use a Class III instrument for trade for any purpose other than for weighing any of the materials to which the expression “ballast” applies in Schedule 4 to the 1981 Order.

(6) A person shall not use for trade any instrument for the purpose of multiple weighing, that is to say, determining the mass of a load by totalling the results of more than one static weighing operation during each of which the load is only partially supported by the load receptor.

*Manner of erection of instruments*

5. Where an instrument is fitted with one or more level-indicating devices, a person shall not use the instrument for trade unless each such device indicates that it has been set to its reference position.

*Instruments marked with temperature range*

6. Where an instrument is marked with a temperature range, a person shall not use the instrument for trade at temperatures outside that range.

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(a) As modified by regulation 43 and Part I of Schedule 5 to the 1992 Regulations

*Instruments marked with manner of use*

7. Where an instrument is marked with the manner of use, a person shall not use the instrument for trade in a manner which does not accord with the marking.

*Instruments fitted with printing devices*

8. Where an instrument is fitted with a weight or any other printing device, a person shall not use the instrument for trade unless it is so erected and used that the printing device, when used, produces a legible and durable printout.

*Load receptors*

9.—(1) A person shall not use any instrument for trade unless it is erected and used in such a manner that, during a weighing operation, the load being weighed is stationary relative to the load receptor and supported only by the load receptor.

(2) A person shall not use for trade an instrument for the purpose of sales by retail—

(a) unless—

(i) the load receptor is not less than 10 millimetres above any adjacent surface; or

(ii) where the load receptor is less than 10 millimetres above any adjacent surface, the boundary of the top surface of all adjacent surfaces is durably marked in a distinctive and contrasting manner with a band at least 15 millimetres in width; or

(b) if the load receptor is below the level of any adjacent surface.

*Operation of instrument*

10. Except as specified in the EC type-approval certificate, a person shall not use an instrument for trade unless it is erected in such a manner that the operator can, notwithstanding the nature of the instrument or its surroundings, readily take up a single position from which he can—

(a) see directly or with the aid of mirrors, closed-circuit television or other permanently installed facilities, the whole of the unladen load receptor;

(b) operate the instrument's controls; and

(c) obtain a weight reading from the instrument.

*Weights marked with EEC initial verification marks to be used*

11.—(1) Subject to paragraph (2), a person shall not use for trade a Class I or Class II instrument which is used in association with any weight or weights to determine the value of any load in terms of metric units of mass other than carat (metric) units, save in association with weights which bear the mark of EEC initial verification in accordance with—

(a) the provisions of—

(i) Council Directive No. 74/148/EEC on above-medium accuracy weight(a) in the case of Class II instruments, or

(ii) the said Directive except for those provisions relating to weights of Class F2 or Class M1 in the case of Class I instruments; and

(b) the provisions of paragraph 5 of Schedule 1 to the Measuring Instruments (EEC Requirements) Regulations 1988(b).

(2) The requirements of this regulation shall not apply to any instrument for use for trade in any transaction in drugs or other pharmaceutical products before 1st January 2003.

*Instruments using decimal parts of a pound*

12. A person shall not use for trade any instrument which has weight scale intervals expressed solely in decimal parts of a pound for the purposes of any sale by retail involving the weighing of goods by that instrument in the presence of the buyer unless the buyer is presented with a statement in writing of the weight of the goods.

*Instruments to be balanced or to be set to zero before use*

13.—(1) Subject to paragraph (2), a person shall not use an instrument for trade unless it is properly balanced or set to zero immediately prior to use.

(2) Paragraph (1) shall not apply in the case of an instrument of an approved type if, in the EC type-approval certificate, it is described as not being so constructed as to balance when unloaded.

Sealed with the Official Seal of the Department of Economic Development on 19th November 1992.

(L.S.)

A. H. McAlister

Assistant Secretary

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(a) O.J. No. L84, 28.3.1974, p. 3

(b) S.I. 1988/186

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

These Regulations implement Council Directive 90/384/EEC on the harmonisation of the law of the member States relating to non-automatic weighing instruments in so far as they relate to instruments, in use for trade, covered by regulation 3 of the Non-automatic Weighing Instruments (EEC Requirements) Regulations 1992 S.I. 1992/1579. Instrument is defined in regulation 2 of these Regulations.

These Regulations make provision as to—

- (a) the purposes for which such instruments may be used for trade (regulation 4);
- (b) manner of erection of instruments (regulation 5);
- (c) instruments marked with a temperature range (regulation 6);
- (d) manner of use in accordance with marking (regulation 7);
- (e) manner of erection and use where weight or other printing device fitted (regulation 8);
- (f) load receptors (regulation 9);
- (g) manner of erection and use for operation of instrument (regulation 10);
- (h) restrictions on the use of certain instruments used in association with weights (regulation 11);
- (i) restrictions on use of instruments where weight scale intervals are expressed solely in decimal parts of a pound (regulation 12); and
- (j) balance or zero setting of instrument before use (regulation 13).