
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 48

WEIGHTS AND MEASURES

**Measuring Equipment (Capacity Measures)
Regulations (Northern Ireland) 1998**

Made - - - - *24th February 1998*

Coming into operation *1st April 1998*

The Department of Economic Development, in exercise of the powers conferred by Articles 8(1), 9(1), (3) and (4), and 13(1) and (2) of the Weights and Measures (Northern Ireland) Order 1981⁽¹⁾ and now vested in it⁽²⁾ and of every other power enabling it in that behalf, hereby makes the following Regulations:

Part I

General

Citation, commencement, revocation and saving

1.—(1) These Regulations may be cited as the Measuring Equipment (Capacity Measures) Regulations (Northern Ireland) 1998 and shall come into operation on 1st April 1998.

(2) The Regulations specified in the first column of Schedule 1 are hereby revoked to the extent specified in the third column of that Schedule save in relation to capacity measures passed as fit for use for trade and stamped before these Regulations come into operation.

Interpretation

2.—(1) In these Regulations—

“BS 604: 1982” means the British Standard specification for graduated glass measuring cylinders⁽³⁾;

“BS 1922: 1987” means the British Standard specification for glass dispensing measures for pharmaceutical purposes⁽⁴⁾;

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

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

(3) ISBN No. 0 580 12515 7, published by the British Standards Institution in April 1952, as amended in February 1982

(4) ISBN No. 0 580 15701 6, published by the British Standards Institution in April 1953, as amended in January 1969 and January 1982

“BS 6001: Part 1: 1991” means the British Standard specification for sampling procedures for inspection by attributes⁽⁵⁾;

“BS 6002: Part 1: 1993” means the British Standard specification for single sampling plans indexed by acceptable quality level (AQL) for lot-by-lot inspection⁽⁶⁾;

“BS 6696: 1986” means the British Standard methods for use and testing of volumetric glassware⁽⁷⁾;

“another member State” means a member State of the European Communities other than the United Kingdom;

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

“discrimination threshold” means, in the case of weighing equipment with a digital indicator, the weight which produces a change of reading of one digit, and in the case of weighing equipment with an analogue indicator, the weight which produces a one millimetre movement of the pointer; and in this definition, “analogue” means capable of assigning any value or position within a continuous range;

“double measure” means a measure comprising two parts, each part being a capacity measure;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992⁽⁸⁾ as adjusted by the Protocol signed at Brussels on 17th March 1993⁽⁹⁾;

“EEA State” means a State which is a Contracting Party to the EEA Agreement other than the United Kingdom;

“graduated measure” means a measure with more than four scale marks or, in the case of a measure which is both a metric and imperial measure, in each of metric and imperial units;

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

“the prescribed limits of error” shall be construed in accordance with regulation 15;

“the stamp” means the stamp prescribed by the Weights and Measures (Prescribed Stamp) Regulations (Northern Ireland) 1969⁽¹⁰⁾;

“subdivided measure” means a measure with four or fewer scale marks or, in the case of a measure which is both a metric and imperial measure, in each of metric and imperial units; and

“suitable weighing machine” means a weighing machine having a discrimination threshold and a repeatability in grams not exceeding one-fifth of the appropriate limit of error expressed in millimetres relating to the standard, equipment or measure it is used to test.

(2) In these Regulations any reference to the importation of a capacity measure into Northern Ireland from another member State or from an EEA State includes such importation through Great Britain.

(3) The abbreviations of, and symbols for, units of measurement used refer to the relevant units as set out in the Table hereto:

TABLE

<i>Imperial System</i>		<i>Metric System</i>	
gallon	gal	litre	l or L

(5) ISBN No. 0 580 195732 2, published by the British Standards Institution on 30th March 1972, as amended in May 1991

(6) ISBN No. 0 580 22581 X, published by the British Standards Institution on 15th November 1993

(7) ISBN No. 0 580 15076 3, published by the British Standards Institution on 28th February 1986

(8) O.J. No. C305, 23.11.92, p. 66

(9) O.J. No. C194, 19.7.93, p. 143

(10) S. R. & O. (N.I.) 1969 No. 11

<i>Imperial System</i>		<i>Metric System</i>	
quart	qt	centilitre	cl or cL
pint	pt	millilitre	ml
fluid ounce	fl oz		
Degree Celsius	°C		

Application of Regulations

3.—(1) These Regulations apply to liquid capacity measures and dry capacity measures for use for trade, other than—

- (a) liquid capacity measures to which the Capacity Serving Measures (Intoxicating Liquor) Regulations (Northern Ireland) 1993(11) apply;
- (b) liquid capacity measures specified in paragraph 4 of Schedule 4 to the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 1990(12) for use only for making up or checking packages in accordance with Article 31(9) or (10)(a) of the Order; or
- (c) liquid capacity measures for use for measuring liquid lubricants;
- (d) liquid capacity measures for use for measuring milk;
- (e) dry capacity measures for use for measuring peas and beans;
- (f) capacity measures which exceed—
 - (i) 20 litres for metric measures; or
 - (ii) 16 pints for imperial measures; or
- (g) capacity measures being containers which—
 - (i) have been supplied by retail containing a cosmetic product;
 - (ii) are provided by an individual to a retailer; and
 - (iii) are used by the retailer in the presence of the individual in ascertaining or determining the amount by volume of a cosmetic product which is of the same description as that mentioned in sub-paragraph (i) and is to be supplied to him in the container,

and in this sub-paragraph “cosmetic product” means any substance or preparation intended to be placed in contact with the various external parts of the human body (that is to say, the epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively, or mainly to cleaning them, perfuming them, changing their appearance, correcting bodily odours, protecting them or keeping them in good condition.

(2) Regulations 4, 5, 6(1)(a) to (d), 7, 9, 10, 12 and 16(4) and (5)(a) do not apply to dispensing measures for pharmaceutical purposes.

(3) Capacity measures to which these Regulations apply are hereby prescribed for the purposes of Article 9(1) of the Order.

(4) Graduated and subdivided capacity measures referred to in regulation 16(5)(c) are hereby prescribed as being lawful for use for trade for the purposes of Article 8(1)(b) of the Order.

(11) S.R. 1993 No. 441 as amended by S.R. 1995 No. 228

(12) S.R. 1990 No. 410 to which there are amendments not relevant to these Regulations

Part II

Materials, Principles of Construction and Use

Categories of capacity measures

4. For the purposes of these Regulations any capacity measure is either—
 - (a) a line measure marked with lines which—
 - (i) are conspicuous and durable; and
 - (ii) are marked on the outside surface of a measure which is made of transparent or translucent material and on the inside surface of a measure which is made of opaque material; or
 - (b) a brim measure having a brim in a horizontal plane when the measure is on a flat, horizontal surface.

Materials and principles of construction of capacity measures

5. Capacity measures shall be made of any of the following materials—
 - (a) aluminium alloy;
 - (b) enamelled metal;
 - (c) glass;
 - (d) plated, tinned, galvanised or stainless steel;
 - (e) plastic material which resists deformation under hand pressure and does not split or show signs of striation after immersion in water at 95°C for 10 minutes;
 - (f) silver or silver alloy; or
 - (g) any other material which is rigid, stable and sufficiently durable for normal use for trade.

Construction of capacity measures

- 6.—(1) Every capacity measure shall be so constructed that—
 - (a) it does not rock when its base is on a flat, horizontal surface;
 - (b) its brim and lines are horizontal, when its base is on a flat, horizontal surface;
 - (c) it remains reasonably perpendicular when rotated about its vertical axis;
 - (d) air is not trapped on filling; and
 - (e) liquid or solid is not trapped on emptying when tilted so that its vertical axis is at an angle of 135 degrees from the vertical for any rotational orientation about that axis.
- (2) Save where paragraph (4) has effect, dispensing measures for pharmaceutical purposes shall comply with the requirements of BS 604: 1982 or BS 1922: 1987.
- (3) In the case of a double measure—
 - (a) the measure shall be so constructed that it is readily identifiable as a double measure;
 - (b) the part of the measure having the greater capacity shall have a purported value which is twice that of the part having the lesser capacity; and
 - (c) neither part of the measure shall be a graduated measure or a subdivided measure.
- (4) Any capacity measure, instead of complying with the requirements of paragraph (1) or (2) as the case may be, may comply with—

- (a) a relevant national standard or code of practice issued by a national standards body or similar body in a member State or an EEA State;
- (b) a relevant international standard officially recognised for use in a member State or an EEA State;
- (c) a relevant technical provision of mandatory application in relation to marketing or use in a member State or an EEA State; or
- (d) descriptive technical documents relating to manufacturing processes lawfully carried out in a member State or an EEA State, being documents which are sufficiently detailed to enable the measures to be evaluated (if necessary by the carrying out of tests) as capacity measures for use otherwise than as dispensing measures for pharmaceutical purposes or as such dispensing measures, as may be appropriate,

being requirements which, in any case, afford in use at least equivalent standards of safety, suitability and fitness for purpose of such measures as does paragraph (1) and, in the case of dispensing measures for pharmaceutical purposes, BS 604: 1982 or BS 1922: 1987.

(5) In paragraph (4)(d) references to descriptive technical documents are references to such documents which are either published and available to members of the public or are made available by the manufacturer on request—

- (a) to any person who is a user or potential user of the capacity measures in question; and
- (b) to an inspector for the purposes of the performance by him of his functions under the Order or these Regulations relating to inspection, testing, passing as fit for use for trade and stamping of a capacity measure.

Purpose and manner of use of capacity measures

7. A person shall not use a capacity measure—

- (a) for the measurement of goods which might affect, or be affected by, the material from which the measure is made;
- (b) in such a manner that it is exposed to conditions which adversely affect its accuracy or function; or
- (c) for the measurement of intoxicating liquor before its transfer to a container in which the buyer is to receive it, unless the buyer has a clear and unobstructed view of the measurement and transfer.

Part III

Testing

Capacity measures for testing to be clean

8. Every capacity measure submitted for testing shall be in a clean condition.

Method of testing of capacity measures

9. Subject to regulation 12, the inspector shall test every capacity measure—

- (a) by trial for use in the manner in which it is to be used as a measure, either for holding or for delivering its contents;
- (b) by using—
 - (i) where practicable, water or an intended liquid of use; or

- (ii) in the case of a dry capacity measure where the use of a liquid is impracticable, seeds, glass beads or polystyrene beads of an appropriate and regular size, proper precautions being taken to achieve reliable and consistent results; and
- (c) subject in the case of dispensing measures for pharmaceutical purposes to regulation 11, either—
 - (i) volumetrically, by comparison with one or more Northern Ireland local standards or Northern Ireland working standards, or by means of appropriate testing equipment; or
 - (ii) gravimetrically, by determining the weight of water of known density using a suitable weighing machine.

Testing of nominal capacity and scale marks of capacity measures

10.—(1) The inspector shall test the nominal capacity and all the scale marks or, in the case of a graduated measure, such of them as he considers necessary.

(2) The capacity of a measure shall be the volume at 20°C when the measure is on a horizontal surface and—

- (a) in the case of a line measure, the bottom part of the meniscus coincides with the top of the line; or
- (b) in the case of a brim measure, the surface of the liquid is in the same plane as the brim.

Testing of dispensing measures for pharmaceutical purposes

11.—(1) The inspector shall test every dispensing measure for pharmaceutical purposes either—

- (a) in accordance with the requirements of BS 6696: 1986, using a suitable weighing machine; or
- (b) volumetrically by comparison with one or more Northern Ireland local standards (other than a brim measure made of metal); or
- (c) by means of a peristaltic pump dispenser.

(2) In this regulation “peristaltic pump dispenser” means a device, operating on the peristaltic principle, designed to deliver a known quantity of water for the testing of dispensing measures for pharmaceutical purposes.

Testing of groups of capacity measures

12.—(1) Where—

- (a) a group of capacity measures of the same nominal capacity and the same manufacture is submitted for testing; and
- (b) the conditions specified in paragraph (2) are satisfied with respect to the group,

the inspector may, at the request of the person submitting them (“the submitter”), confine the testing to a number of measures determined and selected as specified in paragraph (3).

(2) The conditions referred to in paragraph (1)(b) are that—

- (a) the group shall be clearly identifiable and shall comprise more than 500 but not more than 150,000 measures;
- (b) the measures in the group shall all have been produced by the same production process; and

- (c) the group shall be accompanied by records of the production process and of any subsequent action taken by the manufacturer which are adequate to show that the measures in the group are likely to fall within the prescribed limits of error.
- (3) The number of measures referred to in paragraph (1) shall be determined, and the measures shall be selected, by sampling plans and procedures using samples which the inspector considers to be representative; and the sample of measures shall be tested, in accordance either with paragraph (4) or, if the submitter so requests, with paragraph (5).
- (4) The sample of measures shall be selected in accordance with BS 6001: Part 1: 1991, and tested for all the appropriate requirements of these Regulations, including limits of error on capacity conducted either volumetrically or gravimetrically as described in regulation 9(c) and in accordance with BS 6002: 1993.
- (5) The sample of measures shall be selected in accordance with BS 6001: Part 1: 1991 and—
 - (a) the sample shall be tested for all the appropriate requirements of these Regulations except limits of error on capacity; and
 - (b) a sub-sample of the measures selected under paragraph (3) which the inspector considers to be representative, shall be tested gravimetrically as described in regulation 9(c) and in accordance with BS 6002: 1993.
- (6) Under each of paragraphs (4) and (5), the test shall provide an acceptable quality level equal to 1 per cent.
- (7) If the sample selected as specified in paragraph (3) satisfies the test specified in paragraph (4) or both the tests specified in paragraph (5), the other measures in the group shall be treated as having satisfied the test or tests as the case may be.

Capacity measures imported from another member State or EEA State

- 13.**—(1) In relation to capacity measures imported into Northern Ireland from another member State or from an EEA State, subject to paragraph (4), an inspector shall not carry out any test in accordance with the provisions of regulations 8 to 12 if, together with the capacity measures being so imported, he is presented with the requisite documentation.
- (2) In this regulation and in regulation 16 “requisite documentation” means—
 - (a) the test report of an approved body that the capacity measures which are the subject of that report have been tested on the same basis as those set out in regulations 8 to 12 and stating which tests have been applied to them; and
 - (b) the test results relating to those tests.
 - (3) A body is an “approved body” for the purpose of this regulation if it is a body in a member State or in an EEA State which has the responsibility in that State for metrological control of capacity measures or is a laboratory which has been accredited in a member State or an EEA State as being a body which conforms with the criteria set out in EN 45001(13).
 - (4) Nothing in these Regulations shall prevent an inspector testing in accordance with regulations 8 to 12 where he is not satisfied—
 - (a) as to the authenticity of the test report or the results presented to him; or
 - (b) that the test results presented to him are results which in fact relate to the capacity measures being imported.

(13) EN 45001 is a European Standard which has the status of a British Standard; it is identical with BS 7501 (ISBN 0 580 17939 7), “General criteria for the operation of testing laboratories”

Provision of material for inspector's use

14. For the purposes of the performance by an inspector of his functions under the Order or these Regulations relating to inspection, testing, passing as fit for use for trade and stamping of any capacity measure, a person submitting such a measure to an inspector or who an inspector has reasonable cause to believe has possession of such a measure for use for trade shall, if requested, make available for the inspector's use such material as the inspector may reasonably require, and any material so made available shall be returned to the person in question.

Part IV

Supplementary Provisions

Prescribed limits of error

15. The prescribed limits of error—

- (a) for dispensing measures for pharmaceutical purposes, shall be those set out in BS 604: 1982 or BS 1922: 1987, as appropriate; and
- (b) for all other capacity measures shall—
 - (i) in the case of line measures, be the amounts set out in column 3 of Schedule 2 in excess and in deficiency; and
 - (ii) in the case of brim measures, be the amounts set out in column 4 of that Schedule in excess only.

Passing as fit for use for trade and stamping

16.—(1) Save in a case of capacity measures imported into Northern Ireland from another member State or from an EEA State, a capacity measure shall not be passed as fit for use in trade unless—

- (a) on testing—
 - (i) it falls within the prescribed limits of error;
 - (ii) it is constructed in a manner which does not facilitate fraudulent use, and it does not bear any decorations or designs which might cause confusion in use; and
 - (iii) it complies with all the appropriate requirements of these Regulations; or
- (b) in the case of a measure which has not been tested, it forms part of a group of measures treated under regulation 12(7) as having satisfied the test or tests therein mentioned.

(2) In the case of capacity measures imported from another member State or from an EEA State, a capacity measure shall not be passed as fit for use for trade unless—

- (a) either
 - (i) where the requisite documentation is presented in accordance with regulation 13, the test report recites and the test data confirm to the satisfaction of the inspector that on testing in accordance with provisions of the law of a member State or EEA State it fell within limits of error which afford in use at least an equivalent standard to the prescribed limits of error and, in the case of dispensing measures for pharmaceutical purposes, BS 604: 1982 or BS 1922: 1987; or
 - (ii) in the case of a measure which has not been tested, it formed part of a group of measures treated under provisions of the law of a member State or EEA State corresponding to regulation 12(7) as having satisfied a relevant test or tests; or

- (iii) it complies with all the relevant requirements of these Regulations; and
 - (b) it is constructed in a manner which does not facilitate fraudulent use and that it does not bear any decorations or designs which might cause confusion in use.
- (3) A measure (not being a single measure) shall not be passed for use for trade unless it is a double measure.
- (4) Where practicable, the stamp shall be placed on the outside of the measure, adjacent to the marking of the amount of nominal capacity, but in any other case shall be applied to a metal plate permanently attached to the measure.
- (5) A capacity measure shall not be stamped unless—
- (a) its nominal capacity is marked on its outside surface and is so marked conspicuously, legibly and durably—
 - (i) on the body of the measure adjacent to the brim or to the line denoting the nominal capacity or, in the case of a measure without scale marks, at approximately mid-height; or
 - (ii) on a shield or plate permanently attached to the outside of the measure, and not on any handle, rim, edge or stem;
 - (b) in the case of a line measure, its nominal capacity is denoted by a line (which shall, in the case of a measure made of opaque material, be marked on the inside surface);
 - (c) the scale marks are marked on the measure in the same field of view as the mark of the nominal capacity, and
 - (i) in the case of a graduated measure, are numbered at appropriate intervals; and
 - (ii) in the case of a subdivided measure, are marked with the capacity they are intended respectively to indicate; and
 - (d) any name or trade mark marked on the measure—
 - (i) is in lettering which is smaller than the marking of its nominal capacity; and
 - (ii) is so marked as not to cause confusion with the marking of the nominal capacity.
- (6) A graduated or subdivided measure shall not be stamped unless it is made of translucent or transparent material.
- (7) For the purposes of paragraph (5)(a), the capacity of a measure—
- (a) shall be marked in full in pints, litres, centilitres or millilitres, or by the appropriate abbreviation or symbol in accordance with regulation 2(3); and
 - (b) may be accompanied by a supplementary indication of quantity expressed in full in gallons, quarts, pints, gills, fluid ounces or by the appropriate abbreviation or symbol in accordance with regulation 2(3).

Marking of scale marks on graduated or subdivided measures

- 17.—(1) The scale marks of a graduated or subdivided measure shall be marked with their purported values—
- (a) in the case of a metric measure, either in metric units alone or in both metric and imperial units;
 - (b) in the case of an imperial measure, either in imperial units alone or in both metric and imperial units; and
 - (c) in the case of a measure which is both a metric and imperial measure, in both metric and imperial units.

(2) In this regulation—

“scale mark” does not include the mark of the nominal capacity; and

“metric measure”, “imperial measure” and “metric and imperial measure” mean, respectively, a measure the nominal capacity of which is given in metric units only, in imperial units only or in both metric and imperial units.

Obliteration of stamps

18.—(1) Subject to paragraphs (2) to (4), an inspector shall obliterate the stamp on any capacity measure which—

(a) fails upon testing to fall within the prescribed limits of error; or

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

(2) Where any measure is found not to comply with the requirements of these Regulations only because it falls outside the prescribed limits of error, an inspector may, if he considers the measure can be brought within those limits, instead of immediately obliterating the stamp pursuant to paragraph (1), give to the person in possession of the measure a notice requiring him to ensure that the measure is brought within those limits before the expiry of 28 days or such shorter time as may be specified in the notice.

(3) If a notice given under paragraph (2) is not complied with within the period specified in it, the inspector shall obliterate the stamp on the measure to which the notice relates.

(4) Where any capacity measure has since it was last stamped, been the subject of any adjustment, alteration, addition, damage or repair which could have affected its compliance with the appropriate requirements of these Regulations, the inspector shall obliterate the stamp on that measure.

Sealed with the Official Seal of the Department of Economic Development on

L.S.

24th February 1998.

A. L. Brown
Assistant Secretary

SCHEDULE 1

regulation 1(2)

Revocations

Column 1 <i>Regulation revoked</i>	Column 2 <i>Reference</i>	Column 3 <i>Extent of revocation</i>
Weights and Measures Regulations (Northern Ireland) 1967	S. R. & O. (N.I.) 1967 No. 237 as amended by S. R. & O. (N.I.) 1971 No. 114, S. R. & O. (N.I.) 1974 No. 280, S. R. 1991 No. 266, S. R. 1993 No. 441 and S.R. 1994 No. 322	Regulation 3(1)(b) and (c) and (2)(f), (g) and (l), regulation 5(1)(b)(i) and (vii), regulation 6(2)(b) to (d), Parts III and IV and Schedule 2, Part II
Weights and Measures (Amendment) Regulations (Northern Ireland) 1971	S. R. & O. (N.I.) 1971 No. 114	The whole Regulations so far as unrevoked
Weights and Measures (Amendment) Regulations (Northern Ireland) 1974	S.R. 1974 No. 280	The whole Regulations
Capacity Serving Measures (Intoxicating Liquor) Regulations (Northern Ireland) 1993	S.R. 1993 No. 441	Regulation 3(4)
Measuring Equipment (Capacity Measures) (Amendment) Regulations (Northern Ireland) 1994	S.R. 1994 No. 322	The whole Regulations

SCHEDULE 2

regulation 15

Prescribed limits of error for capacity measures other than dispensing measures for pharmaceutical purposes

<i>Nominal Capacity</i>		<i>Limits of error</i>	
<i>Metric</i>	<i>Imperial</i>	<i>Line measure, in excess and in deficiency</i>	<i>Brim measure, in excess only</i>
(1)	(2)	(3)	(4)
20 l		100 ml	200 ml
10 l	16 pt	50 ml	100 ml
5 l	8 pt	25 ml	50 ml

a for measuring intoxicating liquor only.

Notes:

- The limit of error in relation to any scale mark on a subdivided or graduated measure shall be that specified for a measure of nominal capacity equivalent to the amount which the scale mark is intended to denote, or where the nominal capacity equivalent to the amount does not appear in this Schedule it shall be calculated by interpolation.
- References to imperial measures shall be to their use for measuring beer and cider only.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Nominal Capacity Metric</i>	<i>Imperial</i>	<i>Limits of error Line measure, in excess and in deficiency</i>	<i>Brim measure, in excess only</i>
(1)	(2)	(3)	(4)
2.5 or 2 l	½ gal, 4 pt	12 ml	24 ml
1 l	2 pt	10 ml	20 ml
500 ml	1 pt	5 ml	10 ml
250 ml	½ pt	4 ml	8 ml
200 ml	⅓ pt	4 ml	8 ml
175 ml		3.5 ml	7 ml
150 ml		3 ml	6 ml
125 ml		2.5 ml	5 ml
100 ml		2 ml	4 ml
50 ml		2 ml	4 ml
25 ml, 35 ml		2 ml	4 ml
20 ml		2 ml	4 ml
10 ml		1 ml	2 ml
5 ml		0.5 ml	1 ml
2 ml		0.2 ml	0.4 ml
1 ml		0.1 ml	0.2 ml

a for measuring intoxicating liquor only.

Notes:

1. The limit of error in relation to any scale mark on a subdivided or graduated measure shall be that specified for a measure of nominal capacity equivalent to the amount which the scale mark is intended to denote, or where the nominal capacity equivalent to the amount does not appear in this Schedule it shall be calculated by interpolation.
2. References to imperial measures shall be to their use for measuring beer and cider only.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

The Regulations prescribe, for the purposes of the Weights and Measures (Northern Ireland) Order 1981 (“the Order”) certain dry and liquid capacity measures for use for trade. The Regulations replace Parts III and IV of the Weights and Measures Regulations (Northern Ireland) 1967, (as amended) and cover all capacity measures other than—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (i) those for the purposes of measuring and serving intoxicating liquor for consumption on the premises at which it is sold, to which the Capacity Serving Measures (Intoxicating Liquor) Regulations (Northern Ireland) 1993 apply, or
- (ii) those for use only for making up or checking packages (in accordance with Article 31(9) and (10)(a) of the Order) which are specified in paragraph 4 of Schedule 4 to the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 1990, or
- (iii) those which have previously contained a cosmetic product and are supplied by the customer for use in retail transactions in the same cosmetic product.

The Regulations apply to dispensing measures for pharmaceutical purposes (formerly called apothecaries' measures).

The effect of prescription is to make it unlawful to use these capacity measures for trade purposes unless they have been tested, passed as fit for such use and stamped by an inspector of weights and measures. The Regulations make simplified provision about—

- (a) the materials and principles of construction of capacity measures (regulations 4 to 6);
- (b) their purpose and manner of use (regulation 7);
- (c) their testing for conformity with the nominal capacity of the whole measure and those of its subdivisions, within certain prescribed limits of error (regulations 8 to 15); and
- (d) their being passed as fit for use for trade and stamped, and the obliteration of stamps (regulations 16 to 18).

The Regulations make the following changes of substance—

- (a) a requirement has been introduced to ensure that a buyer of intoxicating liquor, which is transferred from a capacity measure to another container, should have a clear and unobstructed view of the measurement and the transfer (regulation 7(c));
- (b) provision is made for the testing of dispensing measures for pharmaceutical purposes by means of a peristaltic pump dispenser (regulation 11(1)(c));
- (c) provision is made for testing based on the results of testing a group of measures of between 500 and 150,000 in number (regulation 12);
- (d) to avoid duplicate testing of capacity measures imported from other member States of the European Communities or a state of the European Economic Area, by allowing weights and measures inspectors testing the fitness of such measures for use for trade to accept test reports and results from approved bodies in those States (regulations 13 and 16);
- (e) dispensing measures for pharmaceutical purposes are now largely dealt with by British Standards (BS) and the relevant BS is referred to in relation to their constructional requirements (regulation 6(2)) and limits of error (regulation 15);
- (f) the permissible limits of error are amended and are now in excess and in deficiency (formerly in excess only) (regulation 15 and Schedule 2); and
- (g) the requirements relating to the placing of the line on line measures are amended (regulation 16(5)).

Contravention of regulations 2(2) and 7 is an offence under Article 13(1) of the Order. It is also an offence under Article 9(2) of the Order for a person to use for trade or have in his possession for such use any capacity measure prescribed by regulation 3 which has not been passed as fit for such use and which does not bear a stamp indicating that it has been so passed which remains undefaced otherwise than by reason of fair wear and tear. The penalty on summary conviction for all these offences is a fine not exceeding level 3 on the standard scale (currently £1,000).

Copies of British Standards (see regulations 2(1), 6(2), 11, 12, 13, 15 and (16) can be obtained from any of the sales outlets operated by the British Standards Institution (BSI); any bookshop of the Stationery Office; or by post from the BSI at Linford Wood, Milton Keynes MK14 6LE.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

In Great Britain the corresponding Regulations are the Measuring Equipment (Capacity Measures and Testing Equipment) Regulations 1995 (S.I.1995/735). The National Weights and Measures Laboratory has prepared a compliance cost assessment in relation to those Regulations and a copy of that assessment together with the Northern Ireland Supplement, prepared by the Department of Economic Development, is held at Trading Standards Branch, Department of Economic Development, 176 Newtownbreda Road, Belfast BT8 6QS from where copies may be obtained on request.

These Regulations have been notified to the European Commission pursuant to Council Directive [83/189/EEC](#) (O.J. No. L109, 26.4.83, p. 8) as amended by Council Directive [88/182/EEC](#) (O.J. No. L81, 26.3.88, p. 75) and European Parliament and Council Directive [94/10/EEC](#) (O.J. No. L100, 19.4.94, p. 30) which lays down a procedure for the provision of information in the field of technical standards and regulations.