
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 48

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

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.