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STATUTORY INSTRUMENTS

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**1988 No. 876**

**The Weighing Equipment (Non-automatic Weighing Machines) Regulations 1988**

**PART V**

**SUPPLEMENTARY PROVISIONS**

**Prescribed limits of error**

**36.** The prescribed limits of error relating to non-automatic weighing machines shall be those set out in Schedule 4 to these Regulations.

**Passing as fit for use for trade**

**37.**—(1) Subject to paragraphs (2) to (4) below, no non-automatic weighing machine shall be passed as fit for use for trade unless—

- (a) it complies with all the appropriate requirements of these Regulations; and
- (b) on testing, it falls within the prescribed limits of error.

(2) Notwithstanding paragraph (1)(a) above, a non-automatic weighing machine which was first passed as fit for use for trade before 1st November 1988 may continue to be passed as fit for use for trade even if it does not comply with the requirements of Regulations 7 and 17 above.

(3) Notwithstanding paragraph (1)(b) above, a non-automatic weighing machine marked

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which was first passed as fit for use for trade before 1st November 1988 may, provided that it meets the tilt testing requirements for a machine having an adjustable levelling device or devices and one or more level indicating devices to cover all directions, continue to be passed as fit for use for trade—

- (a) if it bears the legend “Only to be used on a level surface”; or
- (b) until 1st March 1990 if there is no legend.

(4) Notwithstanding paragraph (1)(b) above, a non-automatic weighing machine which was first passed as fit for use for trade before 1st November 1988 may continue to be passed as fit for use for trade provided that the error in excess or in deficiency over the first part of the range is within or equal to one verification scale interval.

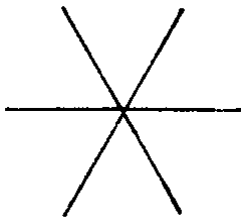
**Stamping**

**38.**—(1) The stamp shall be placed on the plug, stud or plate and on every sealing device referred to in Regulation 20 above.

(2) No non-automatic weighing machine shall be stamped in accordance with paragraph (1) above if it bears any mark which, in the opinion of the inspector, might reasonably be mistaken for the stamp, or any statement or mark (other than an inspector's stamp) which purports to be or, in the opinion of the inspector, might reasonably be mistaken for an expression of approval or guarantee of accuracy by any body or person.

### **Obliteration of stamps**

**39.** Stamps shall be obliterated by an inspector, in accordance with the requirements of these Regulations, by means of punches or pincers of suitable sizes of a six-pointed star design as shown in the following illustration:



**40.—**(1) Subject to paragraphs (2) and (3) below, an inspector shall obliterate the stamp on any non-automatic weighing machine which—

- (a) fails upon testing to fall within the prescribed limits of error in relation to obliteration of the stamp; or
- (b) fails to comply with any other appropriate requirement of these Regulations.

(2) Except as provided by Regulation 41 below, where any non-automatic weighing machine does not fully comply with the requirements of these Regulations, but the nature or degree of the non-compliance is not, in the inspector's opinion, such as to require the immediate obliteration of the stamp, he shall give to the proprietor or any person in control of the machine a notice calling on him to have the machine corrected within a stated period not exceeding 28 days, and shall obliterate the stamp if the correction has not been made within the stated period.

(3) Notwithstanding paragraph (1)(a) above, a non-automatic weighing machine which was first passed as fit for use for trade before 1st November 1988 may remain in use provided that the error in excess or deficiency over the first part of the range is within or equal to two verification scale intervals.

**41.—**(1) An inspector shall obliterate the stamp on any non-automatic weighing machine which has, since it was last stamped, had any alteration or addition made to it such that it could not be passed as fit for use for trade under Regulation 37 above.

(2) Subject to paragraph (3) below, an inspector shall obliterate the stamp on any non-automatic weighing machine which has, since it was last stamped, been the subject of any adjustment, alteration, addition, repair or replacement which could, in the opinion of the inspector, have affected its accuracy or function.

(3) Where a machine has been subjected to one or other of the occurrences in paragraph (2) above and the chief inspector of weights and measures for the area in which the machine is situated has been furnished in writing with details of the occurrence, an inspector may obliterate the stamp.

**42.** An inspector may obliterate the stamp on any non-automatic weighing machine which—

- (a) is in use for trade for a particular purpose and:
  - (i) which does not meet the requirements of Regulation 4 above; or

- (ii) for which purpose, in the opinion of the inspector, it is otherwise unsuitable; or
- (b) is in use for trade in circumstances where the machine is subjected to any extraordinary environmental or operating conditions which, in the opinion of the inspector—
  - (i) prevent the machine operating consistently and correctly, or
  - (ii) are likely prematurely to degrade the metrological characteristics of the machine.

**43.—**(1) For the purpose of these Regulations, the obliteration of any one stamp on any non-automatic weighing machine shall be deemed to be the obliteration of all other stamps on that machine.

(2) Where the stamp on one non-automatic weighing machine forming part of an inter-connected system is obliterated, paragraph (1) above shall not apply so as to prevent the system or any other machine in the system being used, provided that the integrity of the remainder of the system is unimpaired.

**44.** Where the inspector has obliterated a stamp on a non-automatic weighing machine which is made available for use by the public (whether on payment or otherwise) he may attach to the machine a notice bearing the words—

“Out of use”.