

**2001 No. 599**

**WEIGHTS AND MEASURES**

**The Measuring Equipment (Capacity Measures)  
(Amendment) Regulations 2001**

*Made - - - - 22nd February 2001*

*Laid before Parliament 28th February 2001*

*Coming into force in accordance with regulation 1*

The Secretary of State, in exercise of his powers under sections 5(9), 11(1) and (4) and 86(1) of the Weights and Measures Act 1985(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Measuring Equipment (Capacity Measures) (Amendment) Regulations 2001 and shall come into force on the coming into force of the Weights and Measures (Intoxicating Liquor) (Amendment) Order 2001(b).

2. The Weights and Measures Regulations 1963(c) shall be amended by the deletion in regulation 1(2) of sub-paragraph (1).

3. The Weights and Measures (Local and Working Standard Capacity Measures and Testing Equipment) Regulations 1990(d) shall be amended by the insertion—

(a) in Schedule 3, in the Table headed “WORKING STANDARD CAPACITY MEASURES AND TESTING EQUIPMENT”, in the column headed “(b) Metric”, after “50 ml 0.3 ml”, of “70 ml 0.4 ml”; and

(b) in Schedule 4, in the Table headed “LOCAL STANDARD CAPACITY MEASURES”, in the column headed “(b) Metric”, after “50 ml 0.15 ml”, of “70 ml 0.20 ml”.

4. The Measuring Equipment (Capacity Measures and Testing Equipment) Regulations 1995(e) shall be amended—

(a) in regulation 3,—

(i) in paragraph (1), after sub-paragraph (f), by the addition of the following sub-paragraph—

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(a) 1985 c. 72; section 94(1) contains a definition of “prescribed”.

(b) S.I. 2001/1322.

(c) S.I. 1963/1710; sub-paragraph (1) was inserted by S.I. 1994/1259. There are no other amendments of substance relevant to these Regulations.

(d) S.I. 1990/2626 as amended by S.I. 1994/1259, 1994/1851 and 1995/735.

(e) S.I. 1995/735.

“(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 (i) above 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.”;

- (ii) in paragraph (2), by the substitution for “16(3)” of “16(4)”;
  - (iii) in paragraph (4), by the substitution for “regulation 16(4)(c)” of “regulation 16(5)(c)”;
- (b) in regulation 11, by the substitution for “This inspector” of “The inspector”;
- (c) in regulation 12:
- (i) in paragraph (1), in sub-paragraph (a), by the insertion after the word “measures” of the word “of”; and
  - (ii) in paragraph 4(a), by the deletion of the words “and tested”;
- (d) in Schedule 2, in the Table, in the column headed “(2)”, by the substitution for “100 ml” of “100 ml, 70 ml\*”; and
- (e) in Schedule 2, Note 2, the insertion after the words “1 gal,” of the words “½ gal.”.

22nd February 2001

*Kim Howells,*  
Parliamentary Under-Secretary of State  
for Consumers and Corporate Affairs,  
Department of Trade and Industry

## EXPLANATORY NOTE

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

These Regulations amend the Weights and Measures Regulations 1963 (S.I. 1963/1710) (“the 1963 Regulations”), the Weights and Measures (Local and Working Standard Capacity Measures and Testing Equipment) Regulations 1990 (S.I. 1990/2626) (“the 1990 Regulations”) and the Measuring Equipment (Capacity Measures and Testing Equipment) Regulations 1995 (S.I. 1995/735) (“the 1995 Regulations”).

As the 1995 Regulations apply to liquid capacity measures and dry capacity measures subject to exemptions, the 1995 Regulations are amended to include capacity measures being containers which have previously contained a cosmetic product and are provided by the customer to the retailer for use by the retailer in retail transactions in the same cosmetic product (“the capacity measures”) for the purposes of disapplication of such measures from the application of their provisions (regulation 4(a)(i)). The 1963 Regulations no longer contain provisions which apply to liquid capacity measures and dry capacity measures and as a consequence these Regulations amend those Regulations to remove from the provisions on disapplication the capacity measures (regulation 2).

The 1995 Regulations are also amended so as to prescribe, and provide limits of error for, certain thimble measures of 70 millilitres for serving spirits (gin, rum, vodka and whisky) (regulation 4(d)).

Further amendments relate to the correction of some minor errors (regulation 4(a)(ii) and (iii), (b) and (c)).

The 1990 Regulations are amended to provide for limits of error for local and working standard capacity measures and testing equipment of 70 millilitres so that these may be used by an inspector of weights and measures (regulation 3). The Weights and Measures (Intoxicating Liquor) (Amendment) Order 2001 (S.I. 2001/1322) provides for a single capacity measure of 70 millilitres to be used for dispensing a double measure. This amendment is provided as a result of changes to the Weights and Measures Act 1985 by the Weights and Measures (Intoxicating Liquor) (Amendment) Order 1994 (S.I. 1994/1883) and to the Weights and Measures (Intoxicating Liquor) Order 1988 (S.I. 1988/2039) by the said Order of 1994 which enabled a 35 millilitre measure of spirits to be sold for consumption on licensed premises.

A Regulatory Impact Assessment of the costs and benefits which will result from these Regulations has been prepared. Copies have been placed in the libraries of both Houses of Parliament and can also be obtained from the National Weights and Measures Laboratory, Stanton Avenue, Teddington, Middlesex TW11 0JZ.

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