1983 No. 369

WEIGHTS AND MEASURES

Measuring Equipment (Liquid Fuel and Lubricants) Regulations (Northern Ireland) 1983

Made . . . . . *16th November 1983*

Coming into operation . . . *19th December 1983*

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The Department of Economic Development, in exercise of the powers conferred by Articles 9(1) and (3), 10(6) and 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:—

PART I

GENERAL

Citation, commencement, interpretation and revocation

1.—(1) These Regulations may be cited as the Measuring Equipment (Liquid Fuel and Lubricants) Regulations (Northern Ireland) 1983 and shall come into operation on 19th December 1983.

(2) In these Regulations—

"certificate of approval" means a certificate of approval of a pattern of measuring equipment granted or renewed by the Department of Economic Development under Article 10 of the Order or any instrument having effect under Article 11(5) of the Order as if it were a certificate of approval so granted on 4th April 1979 or a certificate of approval of a pattern of measuring equipment deemed under Article 10(8) of the Order to have been granted and published under the provisions of the said Article 10;

"grade" in relation to any petrol means one of the following grades, that is to say, 2 star, 3 star, 4 star, or 5 star as mentioned in the British Standard Specification for petrol (gasoline) for motor vehicles B.S.4040: 1978 published by the British Standards Institution on 29th September 1978(**c**);

"liquid fuel" includes liquid fuel, lubricants and any mixture of liquid fuel and lubricants;

"measuring equipment" means any measuring equipment, other than a capacity measure, including a measuring device, ancillary equipment associated with it and any other equipment physically or otherwise connected to it whether or not such equipment has been connected to ensure correct measurement or is intended to facilitate operation of the measuring device and ancillary equipment;

"minimum delivery" means the smallest quantity of liquid fuel which the measuring equipment is designed to measure;

"notice of examination" means a notice of examination caused to be published by the Secretary of State in pursuance of section 12(1) of the Weights and Measures Act 1963(**d**) or by the Department of Economic Development in

(**a**) S.I. 1981/231 (N.I. 10).
(**b**) By S.I. 1982/846 (N.I. 11), Art. 4
(**c**) I.S.B.N. No. 0 580 10408 7
(**d**) 1963 c.31. This Act was amended by the Weights and Measures &c Act 1976 (c.77) and the Weights and Measures Act 1979 (c.45)

pursuance of Article 10(1) of the Order giving particulars of a pattern in respect of which a certificate of approval has been granted;

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

"pattern" has the meaning set out in Regulation 3(1);

"prescribed limits of error" has the meaning set out in Regulation 16; and

"the stamp" means the stamp prescribed by the Weights and Measures (Prescribed Stamp) Regulations (Northern Ireland) 1969(**a**).

(3) The Measuring Instruments (Liquid Fuel and Lubricants) Regulations (Northern Ireland) 1981(**b**) are hereby revoked.

Application of Regulations and prescription of equipment

2.—(1) Subject to paragraph (2), these Regulations shall apply to all measuring equipment for use for trade in the making of any measurement of liquid fuel in a quantity not exceeding 20 gallons if it is constructed to measure in imperial units, or 100 litres if it is constructed to measure in metric units, other than equipment for use for trade in the making of any measurement of liquefied petroleum gas; and measuring equipment to which these Regulations apply is hereby prescribed for the purposes of Article 9(1) of the Order.

(2) These Regulations shall not apply to any measuring equipment for use for the measurement by capacity of liquid fuel in a quantity not exceeding 100 litres, which, in accordance with a programme of automatic control and without the intervention of an operator during the measuring process, measures quantities of liquid fuel to a constant nominal capacity, the quantities being kept separate.

PART II

PRINCIPLES OF CONSTRUCTION AND MARKING OF MEASURING EQUIPMENT

Approved patterns of construction and identification marks

3.—(1) All measuring equipment shall be made in accordance with a pattern in respect of which a certificate of approval is in force and in these Regulations "the pattern" means the particular pattern in accordance with which any particular measuring equipment is so made.

(2) Subject to paragraph (3), measuring equipment submitted for testing with a view to passing as fit for use for trade shall be legibly and durably marked with the number of the certificate of approval or of the notice of examination, preceded by the words "Certification No." or "Cert. No." or "Notice No." or "DED Certification No." or "DED Cert. No." or "DED Notice No." as the case may be.

(3) Paragraph (2) shall not apply to any measuring equipment which was first submitted for testing before 1st May 1982.

Marking with name of manufacturer

4. All measuring equipment shall be legibly and durably marked with the name of the manufacturer.

Provision of zero indication device

5. Every individual sales indicator fitted to measuring equipment shall be so arranged that—

(**a**) S.R. & O. (N.I.) 1969 No. 11
(**b**) S.R. 1981 No. 317

(*a*) the indicator reading is capable of being set to zero before a delivery commences; and

(*b*) the indicator reading cannot be advanced by any means other than by the proper operation of the equipment.

Display of marking of method of operation

6. Every marking, notice, inscription or indication on measuring equipment referring to the method of operation or to the quantity of liquid fuel delivered shall be conspicously, legibly and durably marked in a suitable position in plain block characters on a plain background and in distinct contrast to it.

Display of information to buyer

7.—(1) Subject to paragraphs (2) and (3), all measuring equipment which forms part of a fixed installation shall be so positioned that a buyer may readily obtain a clear and unobstructed view—

(*a*) of all the operations carried out by any other person using the equipment to measure the liquid fuel being supplied to the buyer; and

(*b*) of any device on the equipment which is designed to indicate to the buyer the quantity supplied or the amount payable or that delivery is being effected.

(2) Paragraph (1) shall not apply to any equipment for use only for measuring kerosene except where the equipment is—

(*a*) situated on premises where petroleum is sold, or

(*b*) used for measuring kerosene in the course of delivery into the fuel tanks of vehicles.

(3) Paragraph (1) shall not apply to any equipment normally used for the measurement of lubricants in the absence of the buyer.

Manner of use for trade

8. All measuring equipment shall be used for trade in such a manner that every individual sales indicator shall be set to zero before a delivery commences.

PART III

TESTING

Testing under practical working conditions

9. All measuring equipment shall be tested by an inspector under practical working conditions with the liquid fuel that the equipment is intended to deliver.

Testing dependent on completeness of equipment

10. Measuring equipment shall not be tested unless it is complete with all its parts as specified in the particular pattern in accordance with which the equipment is made as set out in any certificate of approval relating to it and which is in force or in any notice of examination.

Testing of permanently fixed equipment

11. All measuring equipment which is to be permanently fixed in the position in which it is to be used shall be tested, passed as fit for use for trade and stamped only when completely erected ready for use and installed at the place where it is to be used.

Pre-testing requirements for measuring equipment with discharge hoses

12.—(1) Subject to paragraph (2), before testing any measuring equipment fitted with a discharge hose, the inspector shall ensure that liquid fuel has first been passed through the equipment.

(2) Paragraph (1) shall not apply to equipment used for the measurement of such liquid fuel where the delivery system remains permanently full up to the outer extremity of the discharge hose.

(3) In this Regulation the expression "hose" includes rigid pipework.

Power of inspector to request provision of liquid fuel

13. 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 measuring equipment, a person submitting such equipment to an inspector or who an inspector has reasonable cause to believe has possession of such equipment for use for trade shall, if requested, make available for the inspector's use such liquid fuel in his possession as the inspector may reasonably require, and such liquid fuel shall be returned to the person in question or be placed in a suitable receptacle reasonably convenient for the purpose and nominated and provided by the proprietor or person in charge of the equipment.

Inspectors' powers to open tanks and containers

14.—(1) An inspector may open any locked or sealed tank or container for the purpose of testing any measuring equipment or for the return of liquid fuel withdrawn during testing, and any liquid fuel so withdrawn shall, upon the conclusion of the test, be forthwith returned to the tank or container from which it was withdrawn if the inspector is of the opinion that it is practicable and desirable so to do and the proprietor or person in charge of the equipment does not object; otherwise, it shall be placed in another suitable receptacle reasonably convenient for the purpose and nominated and provided by the proprietor or person in charge of the equipment.

(2) The inspector, if requested, shall give to the proprietor or person in charge of the said equipment a signed and dated statement of the quantity of such liquid fuel withdrawn from the tank or container and returned or placed as aforesaid.

Duty of inspector to reseal tanks and containers

15. An inspector shall securely re-fasten any tank or container opened under Regulation 14(1) immediately after the conclusion of the test and the return of any liquid fuel withdrawn during testing or its placing in another receptacle; and for this purpose he shall replace any seal or link broken by him in opening the said tank or container with a seal upon which he shall affix the stamp.

Prescribed limits of error

16.—(1) Subject to paragraphs (2) to (7), the prescribed limits of error relating to any measuring equipment shall be those set out in Table 1 in the Schedule.

(2) In the case of equipment other than equipment constructed to deliver a fixed quantity only, the limits of error where the testing relates to a quantity equivalent to the minimum delivery of the equipment shall be those set out in Table 2 in the Schedule.

(3) Where a quantity indicated by the measuring equipment is larger than the minimum delivery of the equipment and the error in excess or in deficiency for that quantity set out in the said Table 1 is less than that for a quantity equivalent to the minimum delivery of the equipment set out in the said Table 2, then the prescribed limits of error for the said quantity shall be those set out in the said Table 2.

(4) If, on testing with a view to passing as fit for use for trade, the errors on all the quantities of individual grades of liquid fuel indicated by the measuring equipment during the tests are all errors in excess or all errors in deficiency then, notwithstanding that they are all within the prescribed limits of error set out in the said Table 1 or 2 as appropriate, at least one of them shall not exceed either—

(i) one half of the prescribed limits of error set out in the said Table 1 or 2 as appropriate; or

(ii) 0.3% of the quantity indicated;

whichever is the greater.

(5) In relation to the retesting of any equipment fitted with a price computing device which—

(i) is, in the opinion of an inspector, only required to be retested as a result of an adjustment of that device occasioned by a change in price; and

(ii) has previously been tested and passed as fit for use for trade (but not since the said adjustment was made),

the prescribed limits of error in deficiency shall be the amounts set out in the said Table 1 or 2 as appropriate and the prescribed limits of error in excess shall be twice those amounts.

(6) In relation to the retesting of any equipment converted to indicate the quantity delivered in metric units which—

(i) is, in the opinion of an inspector, only required to be retested as a result of such conversion; and

(ii) has previously been tested and passed as fit for use for trade (but not since the said conversion was made),

the prescribed limits of error in deficiency shall be the amounts set out in the said Table 1 or 2 as appropriate and the prescribed limits of error in excess shall be twice those amounts.

(7) On the testing of any measuring equipment fitted with a price computing device the difference between the price indicated by that device and the price computed on the basis of the unit price and of the quantity indicated for test purposes shall not exceed the price of the quantity equal to the error in excess or in deficiency set out in the said Table 2 for a quantity equivalent to the minimum delivery of the equipment.

Passing as fit for use for trade

17. No measuring equipment 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 measures and delivers the liquid fuel with which it is tested to within the prescribed limits of error when it is operated at any reasonable speed, the speed of operation in respect of any individual delivery being as uniform as practicable.

PART IV

STAMPING

Provision of stamping and sealing devices on equipment

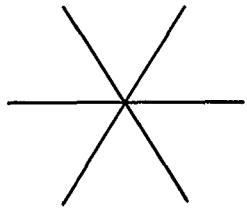
18. All measuring equipment shall be provided with one or more plugs, seals or sealing devices in order to protect all stops or other adjustable parts affecting the quantity delivered, such plugs, seals or sealing devices to be as specified in the particular pattern in accordance with which the equipment is made as set out in any certificate of approval relating to it and which is in force or in any notice of examination; and the stamp shall be placed on all such plugs, seals or sealing devices.

Restriction on stamping

19. No measuring equipment shall be stamped in accordance with Regulation 18 if it bears any mark which might reasonably be mistaken for the stamp.

Obliteration of stamps

20. 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 on the following illustration:



Inspectors' powers and duties regarding obliteration of stamps

21.—(1) Subject to paragraph (2), an inspector shall obliterate the stamp on any measuring equipment which—

(*a*) fails upon testing to fall within the prescribed limits of error in deficiency, or within twice the prescribed limits of error in excess, set out in Table 1 or 2 in the Schedule as appropriate to the case, or

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

(2) Where any measuring equipment 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 person in charge of the equipment a notice calling on him to have the equipment 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) An inspector shall obliterate the stamp on any measuring equipment 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 17.

(4) Without prejudice to the provisions of paragraph (3), where any measuring equipment has, since it was last stamped, been the subject of any adjustment, alteration, addition, repair or replacement which could have affected its accuracy or function the inspector may obliterate the stamp on that equipment.

Consequence of the obliteration of a stamp

22. For the purposes of these Regulations, the obliteration of any one stamp on any measuring equipment shall be deemed to be the obliteration of all other stamps on that equipment, except where the stamp has been lawfully obliterated under Regulation 23 or 24.

Lawful use for trade of equipment where stamps destroyed, obliterated or defaced for purposes of price adjustment

23.—(1) It shall be lawful to destroy, obliterate or deface a stamp on any measuring equipment, and it shall not be a contravention of Article 9(2) of the Order to use such equipment for trade during the relevant period by reason only that a stamp on it has been lawfully destroyed, obliterated or defaced (such destruction, obliteration or defacement being in this Regulation referred to as "the occurrence") if—

(*a*) the person responsible for the occurrence is, or is the duly authorised agent of, the proprietor of the equipment or a person who is the manufacturer, or is regularly engaged in the repair, of equipment for measuring liquid fuel; and

(*b*) the occurrence was confined to the stamp protecting the price computing device of the equipment and the stamp on the indicator of the price per gallon (or per half-gallon or per litre as the case may be); and

(*c*) the occurrence was only to permit an adjustment of that device and that indicator; and

(*d*) notification in writing complying with paragraph (2) of the occurrence has been given by the proprietor of the equipment or his duly authorised agent before the occurrence to the chief inspector of weights and measures.

(2) The notification referred to in paragraph (1) shall contain the following information—

(*a*) the location of, and particulars by which, the equipment may be identified;

(*b*) the intended date of the occurrence;

(*c*) the business name and address of the proprietor or other person referred to in paragraph (1)(*a*); and

(*d*) the name and address of the person giving the notification.

(3) In paragraph (1) "relevant period" means a period of 28 days beginning with the day on which the notification referred to in that paragraph is given in accordance with that paragraph.

(4) For the purpose of this Regulation, where notification is sent by post, such notification shall be deemed to have been given upon actual receipt of the notification by the chief inspector of weights and measures or at the time when it would have been delivered in the ordinary course of post, whichever is the earlier, and in any other case notification shall be given upon actual receipt of the notification by the chief inspector of weights and measures.

Lawful use for trade of equipment where stamps destroyed, obliterated or defaced for purposes of metrication of equipment

24.—(1) It shall be lawful to destroy, obliterate or deface a stamp on any measuring equipment, and it shall not be a contravention of Article 9(2) of the Order to use such equipment for trade during the relevant period by reason only that a stamp on it has been lawfully destroyed, obliterated or defaced (such destruction, obliteration or defacement being in this Regulation referred to as "the occurrence") if—

(*a*) the person responsible for the occurrence is, or is the duly authorised agent of, a person who is the manufacturer, or is regularly engaged in the repair, of equipment for measuring liquid fuel; and

(*b*) the occurrence was only to facilitate or permit the adaptation of the equipment to measure in metric quantities; and

(*c*) where the occurrence relates to the stamp on the measuring equipment protecting the calibration of the measuring device, the person responsible for the occurrence has attached to the equipment some seal or other device which must be defaced or removed before the calibration of the measuring device can be adjusted; and

(*d*) notification in writing complying with paragraph (2) of the occurrence has been given by the proprietor of the equipment or his duly authorised agent before the occurrence to the chief inspector of weights and measures.

(2) The notification referred to in paragraph (1) shall contain the following information—

(*a*) the location of, and particulars by which, the equipment may be identified;

(*b*) the intended date of the occurrence;

(*c*) the business name and address of the person referred to in paragraph (1)(*a*);

(*d*) the name and address of the person giving the notification;

(*e*) whether the occurrence is of a type mentioned in paragraph (3)(*a*) or (3)(*b*).

(3) In paragraph (1) "relevant period" means—

(*a*) where the stamp on the measuring equipment protecting the calibration of the measuring device remains intact and notification has been given in accordance with that paragraph of the fact that some other stamp has been destroyed, obliterated or defaced, a period of 28 days beginning when notification is so given, or

(*b*) where the stamp on the measuring equipment protecting the calibration of the measuring device has been destroyed, obliterated or defaced and notification of the destruction, obliteration or defacement of that stamp has been given in accordance with that paragraph, a period of 5 days beginning when notification is so given.

(4) For the purpose of this Regulation, where notification is sent by post, such notification shall be deemed to have been given upon actual receipt of the notification by the chief inspector of weights and measures or at the time when it would have been delivered in the ordinary course of post, whichever is the earlier, and in any other case notification shall be given upon actual receipt of the notification by the chief inspector of weights and measures.

Sealed with the Official Seal of the Department of Economic Development for Northern Ireland on 16th November 1983.

(L.S.) *Margaret L. Johnston*
Assistant Secretary

SCHEDULE Regulation 16

TABLE 1

(Prescribed limits of error for quantities other than the equivalent to the minimum delivery of the equipment and ordinarily applicable upon testing)

Quantity indicated	*Error in excess or in deficiency*
At least 0.2 litre but not exceeding 0.4 litre ...	4 millilitres.
Exceeding 0.4 litre but not exceeding 1 litre ...	1% of quantity indicated.
Exceeding 1 litre but not exceeding 2 litres ...	10 millilitres.
Exceeding 2 litres ...	0.5% of quantity indicated.

TABLE 2

(Prescribed limits of error for quantities equivalent to the minimum delivery of the equipment and ordinarily applicable upon testing)

Minimum delivery	*Error in excess or in deficiency*
At least 0.2 litre but not exceeding 0.4 litre ...	8 millilitres.
Exceeding 0.4 litre but not exceeding 1 litre ...	2% of indicated minimum delivery.
Exceeding 1 litre but not exceeding 2 litres ...	20 millilitres.
Exceeding 2 litres ...	1% of indicated minimum delivery.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations replace the Measuring Instruments (Liquid Fuel and Lubricants) Regulations (Northern Ireland) 1981. They apply to all measuring equipment for use for trade in the making of any measurement of liquid fuel or lubricants or any mixture of such fuel and lubricants in a quantity not exceeding 20 gallons or 100 litres (other than capacity measures designed for automatic measurement of equal quantities of liquid fuel and equipment used for the measurement of liquefied petroleum gas). They make provision as to the principles of construction and marking of measuring equipment, the inspection, testing, passing as fit for use for trade and stamping of such equipment (and obliteration of stamps on such equipment), and prescribe limits of error. The Regulations prescribe such equipment for the purposes of Article 9(1) of the Weights and Measures (Northern Ireland) Order 1981 so that it is unlawful to use it for trade purposes or have possession of it for such use unless it has been tested, passed as fit for such use and stamped by an inspector of weights and measures.

The Regulations repeat the provisions of the earlier Regulations subject to some drafting alterations and make the following changes of substance:—

(*a*) the definition of "measuring equipment" has been amended to ensure that all modern systems are included (Reg. 1(2));

(*b*) some detailed provisions on the principles of construction of measuring equipment have been omitted in order not to restrict technical developments and innovation (but such equipment will remain subject to pattern examination and approval — Reg. 3(1));

(*c*) provision has been made that a person submitting measuring equipment to an inspector for testing, or who an inspector has reasonable cause to believe has possession of such equipment for use for trade shall, if requested, make available for the inspector's use such liquid fuel in his possession as the inspector may reasonably require (Reg. 13);

(*d*) provision has been included in respect of measuring equipment fitted with a price computing device for the maximum permissible difference between the price indicated and the price computed on the basis of the unit price and of the quantity indicated for test purposes not to exceed the price of the quantity equivalent to the error set out in Table 2 to the Schedule to the Regulations for a quantity equivalent to the minimum delivery of the equipment (Reg. 16(7));

(*e*) provision has been included to enable an inspector to obliterate the stamp on measuring equipment the accuracy or function of which may have been affected by any adjustment, alteration, addition, repair or replacement (Reg. 21(3)); and

(*f*) the provisions covering permitted unstamped use for trade of equipment adapted to measure in metric quantities for a limited period have been amended, so as to provide that, where the stamp protecting the calibration of the measuring device has been destroyed, obliterated or defaced, the person responsible must attach to the equipment a seal or other device to prevent the calibration being adjusted during the period of unstamped use (Reg. 24).

Contravention of Regulations 7 and 8 is an offence under Article 13(1) of the Weights and Measures (Northern Ireland) Order 1981. It is also an offence under Article 9(2) of that Order for a person to use for trade or have in his possession for such use any measuring equipment prescribed by Regulation 2 which has not been passed as fit for such use and which, except as is otherwise expressly provided by or under that Order, does not bear a stamp indicating that it has been so passed which

remains undefaced otherwise than by reason of fair wear and tear. In the case of equipment required by these Regulations to be passed and stamped only after it has been installed at the place where it is to be used, it is an offence under Article 9(11) of the Order knowingly to use such equipment if it has been dismantled and reinstalled unless it has been passed after reinstallation. It is also an offence knowingly to cause or permit any other person so to use it or, knowing that the equipment has to be passed again, to dispose of it to some other person without informing him of that requirement. The penalty on summary conviction for all these offences is a fine not exceeding £200 and the measuring equipment in respect of which the offence is committed is liable to forfeiture.

The British Standard referred to in Regulation 1(2) may be obtained from the British Standards Institution, 101 Pentonville Road, London N1 9ND.