

1984 No. 188

WEIGHTS AND MEASURES

Measuring Equipment (Intoxicating Liquor) Regulations  
(Northern Ireland) 1984

Made . . . . . 6th June 1984

Coming into operation . . . . . 9th July 1984

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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 (Intoxicating Liquor) Regulations (Northern Ireland) 1984 and shall come into operation on 9th July 1984.

(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;

“liquor” means intoxicating liquor;

“manager” means, where any measuring equipment is being tested at the premises on which it was manufactured, a person exercising managerial functions at those premises or his authorised representative and, where any measuring equipment is being tested on licensed premises, the licensee, or, in his absence, his representative authorised for the time being to be in charge of the equipment;

“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;

“nominal quantity” means the quantity of liquor which the measuring equipment is designed to deliver;

“notice of examination” means a notice caused to be published by the Secretary of State(c) in pursuance of section 12(1) of the Weights and Measures Act 1963(d) 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;

“prescribed limits of error” has the meaning set out in Regulation 14; and

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

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

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

(c) By virtue of S.I. 1970/1537

(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)

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

(3) The Measuring Instruments (Intoxicating Liquor) Regulations (Northern Ireland) 1967(a) and the Measuring Instruments (Intoxicating Liquor) (Amendment) Regulations (Northern Ireland) 1979(b) are hereby revoked.

*Application of Regulations and prescription of measuring equipment*

2. These Regulations apply to measuring equipment for use for trade on premises where liquor is sold by retail for the purpose of making any measurement of liquor in a quantity not exceeding one quart; and measuring equipment to which these Regulations apply is hereby prescribed for the purposes of Article 9(1) of the Order.

PART II

PRINCIPLES OF CONSTRUCTION AND MARKING OF MEASURING EQUIPMENT

*Approved patterns of construction*

3. All measuring equipment shall be made in accordance with a pattern in respect of which a certificate of approval is in force.

*Identification marks*

4. All measuring equipment may, where first submitted for testing with a view to passing as fit for use for trade before 1st October 1984, and shall, where first submitted for such testing on or after that date, be legibly and durably marked with the number of the certificate of approval or of the notice of examination in respect of the pattern in accordance with which it is made, preceded by the words "Certification No.," or "Cert. No.," or "Notice No.," or "DED Certification No.," or "DED Cert. No.," as the case may be.

*Display of marking of method of operation*

5. Every marking, notice, inscription or indication on measuring equipment referring to the method of operation or to its nominal quantity shall be conspicuously, legibly and durably marked in a suitable position on the equipment in plain block characters on a plain background and in distinct contrast thereto.

*Marking with name of manufacturer or supplier*

6. All measuring equipment shall be legibly and durably marked with the name of its manufacturer or supplier.

*Marking of nominal quantity*

7.—(1) Subject to paragraphs (2) and (3), all measuring equipment shall have marked on it an indication of its nominal quantity in full, or in such an abbreviated or alternative form as is permitted in accordance with the following Table:—

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(a) S.R. & O. (N.I.) 1967 No. 230.  
(b) S.R. 1979 No. 212

TABLE

FORM OF INDICATION OF NOMINAL QUANTITY	
Nominal Quantity	Abbreviated or permitted alternative
One-sixth gill	... $\frac{1}{6}$ gill
One-fifth gill	... $\frac{1}{5}$ gill (or 1 fl oz)
Quarter gill	... $\frac{1}{4}$ gill
One-third gill	... $\frac{1}{3}$ gill
Two-fifths gill	... $\frac{2}{5}$ gill (or 2 fl oz)
Half gill	... $\frac{1}{2}$ gill
Gill	... $\frac{1}{4}$ pt
One-third pint	... $\frac{1}{3}$ pt
Half pint	... $\frac{1}{2}$ pt
Pint	... pt
Quart	... qt
Quarter litre	... $\frac{1}{4}$ litre (or 25 cl or 250 ml)

(2) Paragraph (1) shall not apply in the case of measuring equipment used for measuring beer and cider where the nominal quantity is half a pint.

(3) Where the nominal quantity of measuring equipment is indicated in metric units of measurement, other than the quarter litre, the equipment shall have marked on it an indication of its nominal quantity in words, symbols or figures and where that nominal quantity is—

- (a) one litre or more, the indication of nominal quantity shall be entirely in terms of litres and decimal fractions of a litre, and no abbreviation of “litre” may be used;
- (b) less than one litre, the indication of nominal quantity shall be entirely in terms of centilitres and decimal fractions of a centilitre or entirely in terms of millilitres, and such units may be indicated by the symbols “cl” and “ml” only as the case may require.

*Provision of sight glasses, etc.*

8.—(1) All measuring equipment for use in measuring liquor other than beer or cider shall be fitted—

- (a) with adequate sight glasses, observation windows or other devices for showing clearly that any measuring chamber is properly charged and discharged; or
- (b) with a device which prevents—
  - (i) any liquid being discharged by any measuring chamber until the chamber is properly charged; and
  - (ii) any measuring chamber being charged anew until it has been properly discharged.

(2) All measuring equipment for use in measuring beer or cider shall be fitted with a device mentioned in paragraph (1)(b).

## PART III

## TESTING

*Pre-testing requirements*

9. Before testing any measuring equipment, the inspector shall ensure that—
- (a) the equipment is complete with all its parts as described in the certificate of approval or notice of examination, as the case may be;
  - (b) liquid has first been passed through the equipment or that the equipment is fully primed; and
  - (c) when it is fully primed no leakage is apparent.

*Liquids to be used for the testing of measuring equipment*

10.—(1) All measuring equipment tested on any premises on which it is used for trade shall be tested with the liquor it is designed to deliver.

(2) All other measuring equipment shall be tested with the liquor it is designed to deliver or with water.

*Power of inspector to request provision of material*

11. 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, the manager or a person submitting such equipment to an inspector shall, if requested, make available for the inspector's use such material in his possession as the inspector may reasonably require, and such material shall be returned to the person in question.

*Testing of measuring equipment*

12.—(1) The inspector shall test measuring equipment by causing it to deliver both the minimum and the maximum quantities which it is capable of measuring in a single operation, or if the equipment is capable of measuring only one quantity in a single operation, the inspector shall cause it to deliver that quantity.

(2) The inspector may also, if he thinks fit, cause the measuring equipment to deliver any quantity which it is capable of measuring in a single operation between the minimum and maximum quantities.

(3) The inspector may cause the measuring equipment to deliver any quantity such number of times as he may determine and he may decide which deliveries are to be treated as relevant for the purposes of determining whether the equipment falls within the prescribed limits of error.

*Inspectors' powers to open containers*

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

(2) The inspector shall, if requested, furnish to the manager a signed and dated statement of the quantity of liquor withdrawn from the container and returned or placed as mentioned in paragraph (1).

## PART IV

## SUPPLEMENTARY PROVISIONS

*Prescribed limits of error*

14.—(1) The prescribed limits of error on the testing of any measuring equipment shall be those set out in the following Table:—

TABLE

Nominal Quantity	In relation to passing as fit for use for trade, in excess or in deficiency	In relation to obliteration of the stamp
At least $\frac{1}{6}$ gill but not exceeding $\frac{1}{2}$ gill	0.7 millilitre	1.4 millilitres in excess. 0.7 millilitre in deficiency.
Exceeding $\frac{1}{2}$ gill but less than $\frac{1}{2}$ pint	1% of the nominal quantity	2% of the nominal quantity in excess. 1% of the nominal quantity in deficiency.
At least $\frac{1}{2}$ pint but less than 1 pint	3 millilitres	6 millilitres in excess. 3 millilitres in deficiency.
At least 1 pint but not exceeding 1 quart	0.5% of the nominal quantity	1% of the nominal quantity in excess. 0.5% of the nominal quantity in deficiency.

(2) In determining whether measuring equipment falls within the prescribed limits of error, account shall be taken only of the quantity of liquid delivered by the equipment.

*Passing as fit for use for trade*

15. Measuring equipment shall not be passed as fit for use for trade unless:—

- (a) it complies with all the appropriate requirements of these Regulations; and
- (b) it measures the liquid delivered by the equipment 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.

*Stamping*

16.—(1) All measuring equipment shall be provided with one or more plugs, seals or sealing devices of suitable form and material to protect all stops or other adjustable parts affecting the quantity delivered, or with such alternative sealing arrangements as may be specified in the particular pattern in accordance with which the measuring 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.

(2) The stamp shall be placed on every plug, seal or sealing device provided in accordance with paragraph (1).

*Restriction on stamping*

17. Measuring equipment shall not be stamped in accordance with Regulation 16(2) if it bears any mark which might reasonably be mistaken for the stamp.

*Obliteration of stamps*

18. 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:—

*Inspectors' powers and duties regarding obliteration of stamps*

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

(a) fails upon testing to measure the liquid delivered by the equipment 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; 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 manager 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) Where any measuring equipment is found by an inspector to leak, he shall obliterate the stamp on that equipment.

(4) 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 15.

(5) Without prejudice to the provisions of paragraph (4), 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*

20. 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.

Sealed with the Official Seal of the Department of Economic Development for Northern Ireland on 6th June 1984.

(L.S.)

Margaret L. Johnston

Assistant Secretary

## EXPLANATORY NOTE

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

These Regulations replace the Measuring Instruments (Intoxicating Liquor) Regulations (Northern Ireland) 1967, as amended. They apply to all measuring equipment, other than capacity measures, for use for trade on premises where intoxicating liquor is sold by retail in the making of any measurement of intoxicating liquor in a quantity not exceeding 1 quart. They make provision as to the principles of construction and marking of measuring equipment, the testing, passing as fit for use for trade and stamping of such equipment (and obliteration of stamps on such equipment), and the prescribed limits of error. The Regulations continue to prescribe this 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 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 the following changes of substance:—

- (a) the measuring equipment to which the Regulations apply and which is prescribed for the purposes of Article 9(1) of the Weights and Measures (Northern Ireland) Order 1981 is for measuring intoxicating liquor in a maximum quantity of one quart, reduced from one gallon (Regulation 2);
- (b) some detailed provisions on the principles of construction and the passing as fit for use for trade of measuring equipment have been omitted in order not to restrict technical developments and innovation (but such equipment will remain subject to pattern approval) (Regulations 3 and 15(a));
- (c) the number of the certificate of approval or notice of examination of the pattern in accordance with which the measuring equipment is made must be marked on all measuring equipment first submitted on or after 1st October 1984 for testing with a view to being passed as fit for use for trade (Regulation 4);
- (d) the prescribed limits of error refer to ranges of quantity of intoxicating liquor which the measuring equipment is designed to deliver instead of being related to individual quantities, thus permitting for the first time the prescribed testing of, for example, equipment designed to measure quantities of one-sixth gill, one-fifth gill, one-third gill and two-fifths gill and on the testing of equipment with a view to passing it as fit for use for trade the limits of error apply both in excess and deficiency instead of in excess only (Regulation 14(1));
- (e) the inspector must obliterate the stamp on any measuring equipment which is found by him to leak or which, since last stamped, has had any alteration or addition such that it could not be passed as fit for use for trade in accordance with the requirements of the Regulations (Regulation 19(3) or (4)).

It is an offence under Article 9(2) of the Weights and Measures (Northern Ireland) Order 1981 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. The penalty on summary conviction for this offence is a fine not exceeding £200 and the measuring equipment in respect of which the offence is committed is liable to forfeiture.