

1984 No. 85

WEIGHTS AND MEASURES

Capacity Measures (Intoxicating Liquor) Regulations
(Northern Ireland) 1984*Made* 14th March 1984*Coming into operation* 16th April 1984

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The Department of Economic Development, in exercise of the powers conferred by Articles 9(1) to (4) and 13(1) and (2) of the Weights and Measures (Northern Ireland) Order 1981(a) and now vested in it(b) and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Capacity Measures (Intoxicating Liquor) Regulations (Northern Ireland) 1984 and shall come into operation on 16th April 1984.

Interpretation

2.—(1) In these Regulations—

“analogue” means capable of assigning any value or position within a continuous range;

“digital” means capable of assigning only certain discrete values or positions within a continuous range by a series of discontinuous steps;

“manufacturer’s mark” means a mark authorised for use by the manufacturer by the Department of Economic Development on a liquid capacity measure to which these Regulations apply, which identifies all or any of the following—

(a) the manufacturer of the measure;

(b) the place and date of manufacture;

(c) the group of measures of which the measure forms part;

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

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

“scale interval” means the value expressed in units of measurement of mass equal to, in the case of a machine with an analogue indicator, the smallest sub-division of the scale, or, in the case of a machine with a digital indicator, the difference between two consecutive values indicated by the machine;

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

“value of verification scale division (e)” has the same meaning as it has in 2.3.2.3 of the Annex to Council Directive No. 73/360/EEC(d) as amended by Council Directive No. 82/622/EEC(e).

(2) The abbreviations of, and symbols for, units of measurement used in these Regulations refer to the relevant units as follows:—

<i>Imperial System</i>		<i>Metric System</i>	
fluid ounce	fl oz	gramme	g
pint	pt	millilitre	ml
		millimetre	mm

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

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

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

(d) OJ No. L335, 5.12.1973, p. 1

(e) OJ No. L252, 27.8.1982, p. 2

Application

3.—(1) Subject to paragraph (2), these Regulations apply to the following liquid capacity measures for use for trade for the purpose of measuring intoxicating liquor for consumption on the premises at which it is sold namely measures of—

<i>Imperial System</i>	<i>Metric System</i>
4 fl oz	100 ml
1 gill (5 fl oz)	125 ml
6 fl oz	150 ml
$\frac{1}{3}$ pt ($6\frac{2}{3}$ fl oz)	175 ml
8 fl oz	200 ml
	250 ml

and such measures are hereby prescribed for the purposes of Article 9(1) of the Order.

(2) These Regulations do not apply to liquid capacity measures specified in paragraph 4 of Schedule 4 to the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 1979(a) for use only for making up or checking packages in accordance with Article 31(9) or (10)(a) of the Order.

(3) The Weights and Measures Regulations (Northern Ireland) 1967(b) are hereby amended in Regulation 3(2) by the addition after sub-paragraph (f) of the following sub-paragraph:—

“(g) liquid capacity measures to which the Capacity Measures (Intoxicating Liquor) Regulations (Northern Ireland) 1984 apply.”.

PART II

MATERIALS AND PRINCIPLES OF CONSTRUCTION AND MARKING OF CAPACITY MEASURES

Strength and durability

4. Every capacity measure shall be sufficiently strong, rigid and stable to withstand the wear and tear of ordinary use in trade.

Materials of construction

5. Every capacity measure shall be made of—

- (a) transparent glass; or
- (b) transparent plastics material which, after complete immersion in boiling water for 10 minutes, resists deformation under pressure and does not split or show signs of striae in the walls.

Method of construction

6. Every capacity measure shall be constructed so that no air is trapped on filling and no liquid retained on emptying when tilted to an angle of 120° from the vertical.

Definition of nominal capacity

7. Every capacity measure shall have its nominal capacity clearly and conspicuously defined by a durable and horizontal line which is not less than 10 mm in length and the top of which is not less than 5 mm from the brim.

Marking of nominal capacity

8.—(1) Every capacity measure shall have its nominal capacity conspicuously, legibly and durably marked on the outside of the body of the measure (and not on any

(a) S.R. 1979 No. 435 as amended by S.R. 1980 No. 403

(b) S.R. & O. (N.I.) 1967 No. 237 as amended by S.R. 1979 No. 436

handle, bottom, rim, edge or stem) in fluid ounces, pints or millilitres, in full or by means of one of the following abbreviations or symbols only:—

fl oz, pt, ml.

(2) The nominal capacity shall be marked at the line referred to in Regulation 7 in letters and figures at least 3 mm high.

(3) No capacity measure shall have marked on it any division or sub-division as a capacity measure of any lesser quantity.

Marking of manufacturer's mark

9.—(1) The manufacturer's mark if placed on any capacity measure shall be placed adjacent to the marking of its nominal capacity.

(2) No manufacturer's mark shall be placed on any capacity measure if it bears the stamp or any other mark which might reasonably be mistaken for the stamp or the manufacturer's mark, or any statement or mark (other than the stamp or the manufacturer's mark) which purports to be or might reasonably be mistaken for an expression of approval or guarantee of accuracy by any body or person.

(3) No manufacturer's mark shall be placed on any capacity measure which has not been wholly manufactured on the premises of the manufacturer of the measure or contiguous premises.

PART III

TESTING

Cleanliness of capacity measures

10. Every capacity measure submitted for testing shall be in a clean condition.

Methods of testing

11. Subject to Regulation 12, every capacity measure submitted to an inspector for testing shall be tested by him by one of the following methods:—

- (a) by transferring an appropriate volume of water measured in fl oz or ml into the measure under test from one appropriate local or working standard capacity measure and testing the measure to the top of the line referred to in Regulation 7 by taking the level of the water at the bottom of the meniscus, when the measure is resting on a horizontal surface; or
- (b) by pouring water of a known temperature into the measure under test, when the measure is resting on a horizontal surface, until the bottom of the meniscus coincides with the top of the said line and determining the weight of the water on a suitable weighing machine provided that—
 - (i) any value of verification scale division (e) marked on the machine does not exceed 0.1g;
 - (ii) if there is no such marking and the machine is a balance or beam scale, the amount of the weight required to produce a displacement of one division of restpoint does not exceed 0.1g; or
 - (iii) if there is no such marking and the machine is not a balance or beam scale, then in the case of a machine with an analogue indicator the scale spacing shall not be less than 1.25 mm and in any other case the maximum scale interval shall be 0.1g.

Selective testing

12.—(1) Where a group of capacity measures of the same design, the same nominal capacity and the same manufacture is submitted for testing without any manufacturer's mark having been placed on any of the measures and the conditions specified in paragraph (2) are satisfied with respect to the group, the testing may be confined to a number of measures determined and selected as specified in paragraph (6).

(2) The conditions referred to in paragraph (1) are—

- (a) the group shall be clearly identifiable and shall consist of measures which exceed 500 but do not exceed 10,000 in number;
- (b) the measures in the group shall have been produced by the same production process; and
- (c) the group shall be accompanied by records of the production process and of any subsequent action taken by the manufacturer which are adequate to show that the measures in the group are likely to fall within the prescribed limits of error.

(3) Where a group of capacity measures of the same design, the same nominal capacity and the same manufacture and with the manufacturer's mark on each measure is submitted for testing and the conditions specified in paragraph (4) are satisfied with respect to the group, the testing shall be confined to a number of measures determined and selected as specified in paragraph (6).

(4) The conditions referred to in paragraph (3) are—

- (a) the group shall consist of measures which exceed 500 but do not exceed 500,000 in number;
- (b) the measures in the group shall have been produced by the same production process; and
- (c) the group shall be accompanied by records of the production process and of any subsequent action taken by the manufacturer which are adequate to show that the measures in the group are likely to fall within the prescribed limits of error.

(5) If the measures selected as specified in paragraph (6) satisfy the test, the other measures in the group shall be treated as having satisfied it.

(6) The number of measures referred to in paragraph (1) or (3) shall be determined and the measures shall be selected by sampling plans and procedures using samples which the inspector considers to be representative, in accordance with the British Standard Specification for Sampling procedures and charts for inspection by variables for percent defective BS 6002: 1979 published by the British Standards Institution on 31st May 1979(a) and which provide an acceptable quality level for both the upper specification limit and the lower specification limit within the meaning of the said Specification equal to 1%.

(7) The measures so selected shall be tested by the method set out in Regulation 11(b) to determine whether they satisfy the acceptability criteria specified in the said Specification.

Power of inspector to request provision of material

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 capacity measure, a person submitting such a measure to an inspector or who an inspector has reasonable cause to believe has possession of such a measure for use for trade shall, if requested, make available for the inspector's use such material in his possession as the inspector may reasonably require, and this material shall be returned to the person in question.

PART IV

SUPPLEMENTARY PROVISIONS

Prescribed limits of error

14. The prescribed limits of error relating to capacity measures shall be the amounts set out below.

<i>Nominal Capacity</i>		<i>Error in excess or in deficiency</i>
<i>Metric</i>	<i>Imperial</i>	
100 ml		5 ml
125 „	4 fl oz	6.2 „
150 „	5 „	7.5 „
175 „	6 „	8.8 „
200 „	6 $\frac{2}{3}$ „	10 „
250 „	8 „	10 „

Passing as fit for use for trade

15.—(1) A capacity measure shall not be passed as fit for use for trade unless—

- on testing it complies with all the appropriate requirements of these Regulations;
- on testing it falls within the prescribed limits of error;
- it is constructed in a manner which does not facilitate fraudulent use; and
- where it has not been tested but forms part of a group of measures treated under Regulation 12(5) as having satisfied the test, the measures tested satisfy the provisions of paragraphs (a) to (c).

(2) Nothing in Article 9(2) of the Order shall prohibit a capacity measure, which has been passed as fit for use for trade and which bears the manufacturer's mark undefaced otherwise than by reason of fair wear and tear, from being used for trade, notwithstanding that it does not bear the stamp.

Stamping

16.—(1) The stamp shall be placed on the outside of the capacity measure adjacent to the marking of its nominal capacity.

(2) A capacity measure shall not be stamped with the stamp if it bears the manufacturer's mark or any other mark which might reasonably be mistaken for the stamp or the manufacturer's mark, or any statement or mark (other than the stamp or the manufacturer's mark) which purports to be or might reasonably be mistaken for an expression of approval or guarantee of accuracy by any body or person.

Inspectors' powers and duties regarding obliteration of stamps and manufacturer's marks

17.—(1) An inspector shall obliterate the stamp or the manufacturer's mark on any capacity measure which—

- fails upon testing to fall within the prescribed limits of error; or
- fails to comply with any other appropriate requirement of these Regulations.

(2) Where any capacity measure has, since it was last stamped or marked with the manufacturer's mark, been the subject of any adjustment, alteration, addition, damage

or repair which could have affected its accuracy, the inspector may obliterate the stamp or mark on that measure.

Sealed with the Official Seal of the Department of Economic Development for Northern Ireland on 14th March 1984.

(L.S.)

Margaret L. Johnston

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations prescribe, for the purposes of Article 9(1) of the Weights and Measures (Northern Ireland) Order 1981, certain liquid capacity measures for use for trade for the purpose of measuring intoxicating liquor for consumption on the premises at which it is sold. The capacity measures covered are those between 4 and 8 fluid ounces and between 100 and 250 millilitres. These measures, except those made lawful for use for trade by the Weights and Measures (Amendment) Order (Northern Ireland) 1983, S.R. 1983 No. 302, were formerly prescribed by the Weights and Measures Regulations (Northern Ireland) 1967, S.R. & O. (N.I.) 1967 No. 237. The effect of prescription is to make it unlawful to use these measures for trade purposes unless they have been tested, passed as fit for such use and either marked by the manufacturer in accordance with the Regulations or stamped by an inspector of weights and measures.

The Regulations make provision for—

- (a) the materials and principles of construction and marking of capacity measures including the power to mark with the manufacturer's mark authorised by the Department of Economic Development (Regulations 4-9);
- (b) their testing, including testing based on the results of testing a sample from a group of measures (Regulations 10-13);
- (c) the prescribed limits of error, passing as fit for use for trade, stamping (where no manufacturer's mark has been placed on the measures) and obliteration of stamps and manufacturer's marks (Regulations 14-17).

Contravention of Regulation 8(1) 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 capacity measure prescribed by Regulation 3 which has not been passed as fit for such use, or treated to have been so passed in accordance with Regulation 12, and which does not bear a stamp or a manufacturer's mark indicating that it has been, or has been treated to have been, so passed which remains undefaced otherwise than by reason of fair wear and tear. The penalty on summary conviction for these offences is a fine not exceeding £200 and the capacity measure in respect of which the offence is committed is liable to forfeiture.

The British Standard referred to in these Regulations may be obtained from the British Standards Institution, 101 Pentonville Road, London N1 9ND.