STATUTORY RULES OF NORTHERN IRELAND

2006 No. 157

WEIGHTS AND MEASURES

The Weighing Equipment (Beltweighers) Regulations (Northern Ireland) 2006

Made - - - -	*24th March 2006*
Coming into operation	*1st June 2006*

The Department of Enterprise, Trade and Investment(**1**)makes the following Regulations, in exercise of the powers conferred by Articles 9(1), (3) and (4), 10(6) and 13(1) of the Weights and Measures (Northern Ireland) Order 1981(**2**) and now vested in it(**3**):

PART I

GENERAL

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Weighing Equipment (Beltweighers) Regulations (Northern Ireland) 2006 and shall come into operation on 1st June 2006.

(2) The 1985 Regulations are hereby revoked.

(3) Notwithstanding paragraph (2) and the following provisions, the 1985 Regulations shall continue to apply to any beltweigher to which those Regulations applied which was first passed as fit for use for trade before the 1st June 2006.

Interpretation

2.—(1) In these Regulations—

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

"the 1985 Regulations" means the Weighing Equipment (Beltweighers) Regulations (Northern Ireland) 1985(**4**);

(**1**) Formerly known as the Department of Economic Development; *see*S.I.1999/283 (N.I. 1), Art. 3(5)
(**2**) S.I. 1981/231 (N.I. 10) as amended by 2000 c. 5 (N.I.)
(**3**) By S.I. 1982/846 (N.I. 11), Art. 4
(**4**) S.R.1985 No. 319 as amended by S.R. 1995 No. 228

"beltweigher" means weighing equipment of the belt conveyor type being an automatic weighing instrument for continuously weighing a bulk product on a conveyor belt by the action of gravity without systematic subdivision of the mass and without interrupting the movement of the conveyor belt;

"certificate of approval" means a certificate of approval of a pattern of weighing equipment granted or renewed by the Department under Article 10 or 11 of the 1981 Order or any instrument having effect under Article 11(5) of the 1981 Order as if it were a certificate of approval so granted on 4th April 1979, or a certificate of approval of a pattern of weighing equipment deemed under Article 10(8) of the 1981 Order to have been granted and published under the said Article 10;

"Department" means the Department of Enterprise, Trade and Investment;

"maximum permissible error" in relation to a beltweigher means, except in paragraph (3), the maximum permissible error for automatic weighing in relation to a beltweigher of its Class as determined in accordance with clauses 2.2 to 2.2.3 of R 50-1; the Table in clause 2.2.1 is set out in the Schedule;

"minimum totalised load" means the quantity in units of mass below which a totalisation may be subject to excessive relative errors as determined in accordance with clause 2.3 of R 50-1;

"the stamp" means the stamp prescribed by the Weights and Measures (Prescribed Stamp) Regulations (Northern Ireland) 1969(**5**);

"weighing unit" means the part of a beltweigher providing information on the mass of the load to be measured.

(2) In these Regulations—

(a) "Class 0.5 beltweigher" means a beltweigher which is marked as such;

(b) "Class 1 beltweigher" means a beltweigher which is marked as such or as Class I; and

(c) "Class 2 beltweigher" means a beltweigher which is marked as such or as Class II,

on its descriptive plate or elsewhere on the instrument; and "Class" shall be construed accordingly.

(3) For the purposes of the marks referred to in paragraph (2), the Class of a beltweigher is the Class appropriate to its accuracy on initial verification ascertained in relation to maximum permissible errors in accordance with clause 2.2.1 of R 50-1.

Recommendations of the International Organisation of Legal Metrology

3.—(1) In these Regulations "R 50-1" means the International Recommendation entitled "Continuous totalizing automatic weighing instruments (beltweighers) Part 1: Metrological and technical requirements – Tests"(**6**).

(2) In these Regulations, any expression which is not defined in these Regulations and is used both herein and in R 50-1 has the same meaning as in R 50-1.

Application

4.—(1) These Regulations apply to beltweighers for use for trade other than—

(a) beltweighers to which the 1985 Regulations continue to apply by virtue of regulation 1(3); or

(b) beltweighers for use for trade which bears the mark of EEC initial verification; and in this sub-paragraph the expression "mark of EEC initial verification" has the meaning assigned

(**5**) S.R.& O. 1969 No.11 as amended by S.R. 2002 No. 36
(**6**) Edition 1997 (E) published by the International Organisation of Legal Metrology

to it in regulation 13 of the Measuring Instruments (EEC Requirements) Regulations 1988(**7**).

(2) For the purposes of Article 9(1) of the 1981 Order (weighing or measuring equipment for use for trade)—

(a) beltweighers to which the 1985 Regulations apply shall continue to be prescribed; and

(b) other beltweighers to which these Regulations apply shall also be prescribed.

(3) The Weights and Measures Regulations (Northern Ireland) 1967(**8**) are hereby further amended by the substitution for regulation 3(2)(h) of the following sub-paragraph—

"(h) beltweighers to which the Weighing Equipment (Beltweighers) Regulations (Northern Ireland) 1985(**9**) or the Weighing Equipment (Beltweighers) Regulations (Northern Ireland) 2006(**10**) apply;".

Purposes of use for trade

5. A person shall not use a beltweigher for trade—

(a) except for the purpose of measuring quantities of material the values of which expressed in units of measurement of mass are not less than the value of the minimum totalised load;

(b) for a purpose other than a purpose specified in the certificate of approval relating to it;

(c) otherwise than in conformity with any mark placed on it in conformity with these Regulations; or

(d) in the case of a Class 2 beltweigher, for the purpose of weighing any material other than ballast, that is to say, any of the materials to which the expression "ballast" applies in Schedule 4 to the 1981 Order.

PART II

MATERIALS AND PRINCIPLES OF CONSTRUCTION AND MARKING OF BELTWEIGHERS

Beltweighers to be made in accordance with approved pattern

6.—(1) Every beltweigher shall be made in accordance with a pattern in respect of which a certificate of approval is in force.

(2) Subject to paragraph (3), the marking of a beltweigher in accordance with regulation 7 after it has been made in accordance with a pattern in respect of which a certificate of approval is in force shall not in itself be a breach of paragraph (1).

(3) Notwithstanding the result of any test contained in the test report relating to the beltweigher in question, nothing in paragraph (2) shall permit the Class marked on a beltweigher to be a Class of higher accuracy than the Class specified in the relevant certificate of approval.

(**7**) S.I. 1988/186, as amended by S.I. 1988/1128
(**8**) S.R.& O. (N.I.) 1967 No 237 as amended by S.R.& O. (N.I.) 1971 No 114, S.R.& O. (N.I.) 1972 No 278, S.R.& O. (N.I.) 1974 No 280, S.R. 1979 No. 436, S.R.1985 No. 319, S.R. 1986 No. 308, S.R. 1986 No. 311, S.R. 1991 No. 266, S.R. 1993 No. 441, and S.R. 1998 No.48
(**9**) S.R. 1985 No. 319 as amended by S.R. 1995 No. 228
(**10**) S.R. 2006 No. 157

Descriptive markings

7.—(1) Every beltweigher shall be legibly and durably marked with the descriptive markings required by clauses 3.11.1 to 3.11.3, and, where appropriate, 3.11.4, of R 50-1 and in the manner specified in clause 3.11.5 thereof.

(2) The particulars comprised in the descriptive markings referred to in paragraph (1) shall be those ascertained on initial verification and, subject to paragraph (3), in conformity with any relevant certificate of approval.

(3) In a case where the relevant certificate of approval contains different provisions relating to the use of a beltweigher for different purposes, the particulars relating to minimum totalised load shall be those relating to one such purpose only.

Marking of units of measurement

8.—(1) Subject to Article 53(3) of the 1981 Order, where units of measurement expressed in terms of mass are marked on beltweighers first passed as fit for use for trade after these Regulations come into operation, they shall be marked in metric units in full or by means of one of the following abbreviations or symbols only—

t, kg, g.

(2) Where any of the following indicate quantity by means of a metric unit of measurement, any marking—

(a) of minimum flowrate, maximum capacity or minimum totalised load;

(b) on any totalisation indicating device;

may also indicate quantity by means of a supplementary indication until 31st December 2009.

(3) The abbreviations of, and symbols for, units of measurement used in this regulation refer to the relevant units as follows—

Gram	g
kilogram	kg
tonne	t

PART III

MANNER OF ERECTION AND USE FOR TRADE

Erection and use for trade

9.—(1) Every beltweigher shall be erected—

(a) in such a way that it is possible to carry out a material test in situ in accordance with clause A. 11 of Annex A to R 50-1, including in particular the depositing on or removal from the belt of material test loads in a reliable and easy manner, without disrupting the normal operation of the beltweigher; and

(b) in conformity with the following installation conditions contained in R 50-1, that is to say, those set out in clauses 3.8 to 3.10 relating to the installation, to the roller track, to the conveyor belt, to speed control, to weigh length, to belt tension, to overload protection, to ancillary devices and to sealing.

(2) A person shall not use a beltweigher for trade unless there is sited in the vicinity of the beltweigher and available for use in conjunction with the beltweigher a suitable control instrument, that is to say, a weighing instrument which is of Class III or better.

(3) The suitable control instrument referred to in paragraph (2) must—

(a) comply with the Measuring Instruments (EEC Requirements) Regulations 1988 and bear the mark of EEC initial verification as described in Schedule 1 to those Regulations; or

(b) comply with the Non-automatic Weighing Instruments Regulations 2000 (**11**) and bear the appropriate sticker as defined in regulation 2(2) of those Regulations; or

(c) have been passed as fit for use for trade under the Weighing Equipment (Non-automatic Weighing Machines) Regulations (Northern Ireland) 2006(**12**) and bear the stamp as defined in regulation 2(1) of those Regulations; or

(d) have been passed as fit for use for trade under the Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) Regulations (Northern Ireland) 1986(**13**); or

(e) have been passed as fit for use for trade under the Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations (Northern Ireland) 2005(**14**); or

(f) have been passed as fit for use for trade under these Regulations; and

be capable of determining the weight of material used in material testing and giving weight determinations such that in respect of each material test load the weight determination shall in total be accurate to within one-fifth of the limits of error prescribed for material testing whether such a load is determined in one or more weighing operations.

Manner of use – spillage and loading

10. A person shall not use a beltweigher for trade in such a manner as to cause—

(a) spillage of material from the belt; or

(b) loading of the weighing unit above its maximum capacity as defined in clause T.4.4 of R 50-1.

Manner of use – belt speed

11. A person shall not use for trade a beltweigher which is designed to operate—

(a) at only one belt speed, in such a manner that the speed of the belt varies by more than 5% of its nominal speed, that is to say, the speed at which the belt is designed to convey material; or

(b) at more than one belt speed, having a speed setting control, in such a manner that the speed of the belt varies by more than 5% of the speed at which it is set to operate, whether by the operator or automatically.

Position of operator

12. Every beltweigher shall be erected in such a manner that the operator can readily take up a single position from which he can—

(a) read any indication of zero totalisation,

(**11**) S.I. 2000/3236
(**12**) S.R. 2006 No. 5
(**13**) S.R. 1986 No. 311 as amended by S.R. 1995 No. 228, S.R. 1998 No. 374, S.R. 2002 No.71 and S.R. 2004 No.189
(**14**) S.R. 2005 No. 27