STATUTORY RULES OF NORTHERN IRELAND

# 2006 No. 5

# WEIGHTS AND MEASURES

## The Weighing Equipment (Non-automatic Weighing Machines) Regulations (Northern Ireland) 2006

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| *Made - - - -* | *13th January 2006* |
| *Coming into operation* | *13th February 2006* |

The Department of Enterprise, Trade and Investment(**1**), makes the following Regulations 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(**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 (Non-automatic Weighing Machines) Regulations (Northern Ireland) 2006 and shall come into operation on 13th February 2006.

(2) The Regulations specified in Schedule 4 are hereby revoked.

### Interpretation

**2.**—(1) In these Regulations—

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

"accelerating machine" means a machine which provides an indication by switching from one state of rest to the other;

"accuracy classification" means classification as a Class I, Class II, Class III or Class IIII machine in accordance with the provisions of Schedule 1;

(**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

"additive tare device" means a tare device which does not intrude upon any of the weighing ranges of the weight indicating and printing devices with which it is associated;

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

"approved minimum load" means the minimum load which a machine is authorised to weigh;

"approved pattern" means a pattern in respect of which a certificate of approval granted or deemed to have been granted under Article 10 of the 1981 Order is in operation;

"automatic catchweight weighing machine" means an automatic weighing machine which determines, but does not regulate, the mass of individual items but does not include—

(a) an automatic checkweighing machine, that is to say, a machine which subdivides articles the mass of which varies on either side of a predetermined value, or

(b) an automatic weight grading machine, that is to say, a machine which subdivides articles of different mass for which there is no predetermined nominal mass;

"automatic weighing machine" means weighing equipment that includes a machine which accomplishes a weighing operation without intervention by an operator and which sets in motion an automatic process characteristic of the machine;

"automatic zero tracking device" means a device which is designed to correct small, slow changes within the zero setting range of the machine;

"ballast" means any of the materials to which the expression ballast applies in Schedule 4 to the 1981 Order;

"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;

"counting machine" means a machine which, by weighing articles of uniform size and composition—

(a) determines the number of such articles placed on or removed from its load receptor, or

(b) detects when a pre-determined number of such articles have been placed on or removed from its load receptor;

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

"device for interpolation of reading" means a device which subdivides without special adjustment the weight scale of an indicating device;

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

"first part of the range" means that part of the weighing range defined, in verification scale intervals according to the accuracy classification of the machine, by the Table in Schedule 3;

"graduated" means having its operating range subdivided into one or more continuous series of scale intervals;

"level indicating device" means a device which indicates when the structure to which it is attached is tilted away from its correct operating position;

"live part" means a part of a machine which, when a force is applied to it, could cause an alteration of the indicated or printed value;

"load receptor" means a part of a machine on which loads are placed for the purpose of their being weighed;

"locking device" means a device which engages a live part or parts of a machine to prevent relative movement between live parts and the frame or casing of the machine;

"mark of EEC initial verification" means the mark described in paragraph 5 of Schedule 1 to the Measuring Instruments (EEC Requirements) Regulations 1988(**4**);

"maximum capacity" means the greatest load which a weight indicating or printing device is constructed to indicate or print, as the case may be, when all associated tare devices are set to zero;

"maximum load" means the sum of the maximum capacity plus the maximum of any additive tare;

"metrological characteristics" means those operational characteristics of a machine which are evaluated during testing of the machine in accordance with the appropriate provisions of regulation 37 and Schedule 2;

"multiple weighing" means determining the mass of a load by totalising the results of more than one static weighing operation during each of which the load is only partially supported by the load receptor;

"non-automatic weighing machine" means weighing equipment that includes a machine which accomplishes a weighing operation and which requires the intervention of an operator during the weighing process, especially to deposit loads on, or remove loads from, the load receptor and also to determine the result of the weighing process, and for the purposes of these Regulations shall include an automatic catchweight weighing machine;

"non-self indicating machine" means a machine in which the position of equilibrium is obtained entirely by the intervention of an operator;

"notice of examination" means a notice of examination caused to be published by the Secretary of State or as the case may be by the Department giving particulars of a pattern in respect of which a certificate of approval has been granted;

"prescribed limits of error" has the meaning set out in regulation 38;

"published particulars" means, in relation to an approved pattern, the particulars of the approved pattern which are published under section 12 of the Weights and Measures Act 1985(**5**) or Article 10 of the 1981 Order;

"range of self indication" means the range within which the position of equilibrium is obtained without the intervention of the operator;

"relieving device" means a device which can prevent forces applied to a load or weight receptor being transmitted to certain delicate bearings;

"rider" means a small poise which can be moved along a graduated bar or beam;

"rounding error" means the difference between the indicated or printed digital value and the result the machine would give if it were analogue;

"scale interval" means the value, expressed in units of measurement of mass, equal to—

(a) in the case of a machine with an analogue indicating device, the smallest subdivision of the scale; or

(b) in the case of a machine with a digital indicating or printing device, the smallest difference between two consecutive indicated or printed values;

"self indicating machine" means a machine in which the position of equilibrium is obtained without the intervention of the operator;

(**4**) S.I. 1988/186 as amended by S.I. 1988/1128
(**5**) 1985 c. 72

"self service weighing machine" means a non-automatic weighing machine which, in accordance with Articles 5(1) and (3)(a) of the 1981 Order, is made available for use for trade by any prospective buyer of goods so that the weight and price of goods selected by him is determined and made known to him;

"semi-self indicating machine" means a machine in which the operator only intervenes above a certain range of self indication or printing, in order to re-establish the function of self indication or printing;

"the stamp" means the stamp prescribed by the Weights and Measures (Prescribed Stamp) Regulations (Northern Ireland) 1969(**6**);

"subtractive tare device" means a tare device which intrudes on the weighing range of any weight indicating and printing device with which it is associated;

"tare device" means a device for—

(a) resetting the weight indicating and weight printing devices to zero when a load is on the associated load receptor, or

(b) subtracting a preset value of weight from the weight indicating or printing device;

"vehicle check weighing machine" means a non-automatic weighing machine which, in accordance with Article 5(3)(a) of the 1981 Order, is made available for use for trade only for the purpose of checking compliance with statutory provisions regarding the weight and axle weight of road vehicles;

"verification scale interval" means the metrologically significant value of the scale interval for the verification of the machine which is determined from Schedule 1;

"weighing mode" means one of the number of ways of operating a machine which is necessary to bring into use each of its indicating, printing and taring devices, load receptors and combinations of load receptors, weighing ranges and values of verification scale interval;

"weighing range" means the range between the maximum capacity and—

(a) the approved minimum load, or

(b) in a case where there is no approved minimum load marking, the lowest value of weight which can be indicated or printed;

"weight indicating device" means a device which is not a weight printing device and which indicates the weight of a load on an associated load receptor of the machine;

"weight printing device" is a device which can print the weight of a load which is on an associated load receptor of the machine;

"weight receptor", in relation to a machine where equilibrium is obtained totally or partially by means of weights, means a live part of the machine on which the weights are placed for a weighing operation; and

"zero setting device" means a device by which a machine may be balanced, set to indicate zero, or set to a datum position when the load receptor is empty.

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

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|---|---|
| Hundredweight | cwt |
| Quarter | qr |
| ounce troy | oz tr |

(**6**) S.R. & O. 1969 No. 11 as amended by S.R. 2002 No. 36

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|---|---|
| Dram | dr |
| Grain | gr |
| Tonne | t |
| Kilogram | kg, kilog |
| Gram | g, grm |
| carat (metric) | CM, ct |
| Milligram | mg |
| Millimetre | mm |

**Application**

**3.**—(1) Subject to paragraphs (2) to (4), these Regulations shall apply to all non-automatic weighing machines for use for trade, and such machines are hereby prescribed for the purposes of Article 9(1) of the 1981 Order.

(2) Nothing in these Regulations shall apply to any non-automatic weighing machine of the following descriptions—

(a) counting machines without weight indicating or weight printing devices and which are for use only for counting the number of articles;

(b) machines for use only for weighing coins or currency notes for the purpose of determining their number;

(c) machines for use for grading by reference to their weight for the purpose of trading transactions by reference to that grading, of hens' eggs in shell which are intended for human consumption;

(d) machines for use only for weighing paint (other than paste paint);

(e) machines for use only as vehicle check weighing machines and bearing a conspicuous notice to that effect;

(f) machines for use only for making up packages if, and only if, the packages are subsequently checked in accordance with Article 31(9) of the 1981 Order;

(g) machines specified in paragraph 7 of Schedule 4 to the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 1990(**7**) for use only in checking packages in accordance with Articles 31(9) and (10) of the 1981 Order;

(h) machines used for weighing persons which are made available for use by the public, whether on payment or otherwise;

(i) customer check weighing machines, that is to say, non-automatic weighing machines which, in accordance with Article 5(3)(a) of the 1981 Order, are made available for use for trade by prospective buyers of goods so that they may check the weight of the goods before purchasing them;

and in this paragraph "packages" means packages as defined in Article 30(1) of the 1981 Order.

(3) Other than regulations 4 and 23 to 31, nothing in these Regulations shall apply to any non-automatic weighing machine which bears the mark of EEC initial verification.

(4) Other than regulations 4(4), 23, 24 and 31, nothing in these Regulations shall apply to any weighing machine with counting facilities which—

(**7**) S.R. 1990 No. 410 as amended by S.R. 1991 No. 320, S.R. 1992 No. 485 and S.R. 1994 No. 321