STATUTORY RULES OF NORTHERN IRELAND

1999 No. 160

WEIGHTS AND MEASURES

Measuring Equipment (Measures of Length) (Amendment) Regulations (Northern Ireland) 1999

Made - - - -	*29th March 1999*
Coming into operation	*10th May 1999*

The Department of Economic Development, in exercise of the powers conferred by Articles 9(1) and (3) and 13(1) and (2) of the Weights and Measures (Northern Ireland) Order 1981(**1**) and now vested in it(**2**) and of every other power enabling it in that behalf, hereby makes the following Regulations: —

Citation and commencement

1. These Regulations may be cited as the Measuring Equipment (Measures of Length) (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 10th May 1999.

Amendment of the Measuring Equipment (Measures of Length) Regulations (Northern Ireland) 1986

2. The Measuring Equipment (Measures of Length) Regulations (Northern Ireland) 1986(**3**) shall be amended as provided in regulations 3 to 5.

3. After regulation 22 there shall be added the following regulations—

"**Statistical Sampling**

22A. Where the measures of length submitted for testing are manufactured in series and the person submitting them produces to the inspector a written statement made by the manufacturer that those measures have already been adequately checked, the inspector shall, at the request of that person carry out on those measures a statistical check by attributes as defined in paragraph 2 of Schedule 2 in accordance with the provisions of that Schedule and shall either accept or reject those measures accordingly.

(**1**) S.I.1981/231 (N.I. 10)
(**2**) By S.I. 1982/846 (N.I. 11)Art. 4
(**3**) S.R. 1986 No. 308 as amended by S.R. 1995 No. 228

Measures of Length imported from another member State or an EEA State

22B.—(1) In relation to any measures of length imported into Northern Ireland, whether directly or indirectly through Great Britain from another member State or from an EEA State, subject to paragraph (4), an inspector shall not carry out any test in accordance with the foregoing provisions of this Part if, together with the measures of length being imported, he is presented with the requisite documentation.

(2) In this regulation and in regulation 24(2)—

(a) "requisite documentation" means—

(i) the test report of an approved body stating that the measures of length which are the subject of that report have been tested in accordance with the tests mentioned in this Part and stating which tests have been applied to those measures of length; and

(ii) the test results relating to those tests; and

(b) "EEA State" means a State which is a Contracting Party to the EEA Agreement other than the United Kingdom and in this paragraph "the EEA Agreement" means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993.

(3) A body is an "approved body" for the purposes of this regulation if it is a body in a member State or an EEA State which has the responsibility in that State for metrological control of measures of length or is a laboratory which has been accredited for the purposes of testing measures of length in a member State or in an EEA State as being a body which conforms with the criteria set out in EN 45001(**4**).

(4) Nothing in these Regulations shall prevent an inspector testing in accordance with the foregoing provisions of this Part where he is not satisfied—

(a) as to the authenticity of the test report or the results presented to him; or

(b) that the test results presented to him are results which in fact relate to the measures of length being imported.".

4. For regulation 24 there shall be substituted the following regulation—

"**Passing as fit for use for trade**

24.—(1) Save in the case of measures of length imported from another member State or an EEA State, a measure of length shall not be passed as fit for use for trade unless—

(a) on testing,—

(i) it falls within the prescribed limits of error;

(ii) it is constructed in a manner which does not facilitate fraudulent use and it does not bear any decorations or designs which might cause confusion in use; and

(iii) it complies with all the appropriate requirements of these Regulations; or

(b) in the case of a measure of length which has not been tested, it forms part of a group of measures treated under regulation 22A as having satisfied the test or tests therein mentioned.

(2) In the case of measures of length imported from another member State or from an EEA State, a measure of length shall not be passed as fit for use for trade unless—

(**4**) EN 45001 is a European Standard which has the status of a British Standard; it is identical with BS 7501 (ISBN 0 580 17939 7), "General criteria for the operating of testing laboratories".

(a) either—

(i) where the requisite documentation is presented in accordance with regulation 22B, the test report recites and the test data confirm to the satisfaction of the inspector that on testing in accordance with the provisions of the law of a member State or an EEA State the measure falls within the prescribed limits of error;

(ii) in the case of a measure of length which has not been tested, it forms part of a group of measures treated under regulation 22A as having satisfied the test or tests therein mentioned; or

(iii) it complies with all the relevant requirements of these Regulations; and

(b) it is constructed in a manner which does not facilitate fraudulent use and it does not bear any decorations or designs which might cause confusion in use.".

5. The Schedule shall be renumbered as "Schedule 1" and after it there shall be added the following Schedule—

"SCHEDULE 2 regulation 22A

Statistical Sampling Methods

Inspection procedures

1.—(1) The inspector shall use, at his election, one of the two inspection methods described in sub-paragraphs (2), (3) and (4).

(2) The inspection methods referred to in sub-paragraph (1) are a single submission scheme ("method A") and a multiple submission scheme ("method B"). In the case of each method, the check to be carried out by the inspector shall consist of determining the number of defective measures in the sample taken by him.

(3) Where the inspector elects to use method A, he shall apply, for the purpose of accepting or rejecting the lot submitted, a sampling plan having the following characteristics, that is to say—

a standard quality level (SQL) between 0.40 and 0.90 per cent; and

a limiting quality level (LQ5) between 4.0 and 6.5 per cent.

The following are examples of sampling plans—

Table 1

Single Sampling Plan

	Sample size number	*Acceptance number*	*Rejection number*	*LQ5*	*SQL*
(a)	80	1	2	5.8	0.44
(b)	125	2	3	5.0	0.65