STATUTORY RULES OF NORTHERN IRELAND

1998 No. 48

WEIGHTS AND MEASURES

Measuring Equipment (Capacity Measures) Regulations (Northern Ireland) 1998

Made - - - - 24th February 1998

Coming into operation 1st April 1998

The Department of Economic Development, in exercise of the powers conferred by Articles 8(1), 9(1), (3) and (4), 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:

Part I

General

Citation, commencement, revocation and saving

1.—(1) These Regulations may be cited as the Measuring Equipment (Capacity Measures) Regulations (Northern Ireland) 1998 and shall come into operation on 1st April 1998.

(2) The Regulations specified in the first column of Schedule 1 are hereby revoked to the extent specified in the third column of that Schedule save in relation to capacity measures passed as fit for use for trade and stamped before these Regulations come into operation.

Interpretation

2.—(1) In these Regulations—

"BS 604: 1982" means the British Standard specification for graduated glass measuring cylinders(**3**);

"BS 1922: 1987" means the British Standard specification for glass dispensing measures for pharmaceutical purposes(**4**);

(**1**) S.I. 1981/231 (N.I. 10)
(**2**) By S.I. 1982/846 (N.I. 11)Art. 4
(**3**) ISBN No. 0 580 12515 7, published by the British Standards Institution in April 1952, as amended in February 1982
(**4**) ISBN No. 0 580 15701 6, published by the British Standards Institution in April 1953, as amended in January 1969 and January 1982

"BS 6001: Part 1: 1991" means the British Standard specification for sampling procedures for inspection by attributes(**5**);

"BS 6002: Part 1: 1993" means the British Standard specification for single sampling plans indexed by acceptable quality level (AQL) for lot-by-lot inspection(**6**);

"BS 6696: 1986" means the British Standard methods for use and testing of volumetric glassware(**7**);

"another member State" means a member State of the European Communities other than the United Kingdom;

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

"discrimination threshold" means, in the case of weighing equipment with a digital indicator, the weight which produces a change of reading of one digit, and in the case of weighing equipment with an analogue indicator, the weight which produces a one millimetre movement of the pointer; and in this definition, "analogue" means capable of assigning any value or position within a continuous range;

"double measure" means a measure comprising two parts, each part being a capacity measure;

"EEA Agreement" means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(**8**) as adjusted by the Protocol signed at Brussels on 17th March 1993(**9**);

"EEA State" means a State which is a Contracting Party to the EEA Agreement other than the United Kingdom;

"graduated measure" means a measure with more than four scale marks or, in the case of a measure which is both a metric and imperial measure, in each of metric and imperial units;

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

"the prescribed limits of error" shall be construed in accordance with regulation 15;

"the stamp" means the stamp prescribed by the Weights and Measures (Prescribed Stamp) Regulations (Northern Ireland) 1969(**10**);

"subdivided measure" means a measure with four or fewer scale marks or, in the case of a measure which is both a metric and imperial measure, in each of metric and imperial units; and

"suitable weighing machine" means a weighing machine having a discrimination threshold and a repeatability in grams not exceeding one-fifth of the appropriate limit of error expressed in millimetres relating to the standard, equipment or measure it is used to test.

(2) In these Regulations any reference to the importation of a capacity measure into Northern Ireland from another member State or from an EEA State includes such importation through Great Britain.

(3) The abbreviations of, and symbols for, units of measurement used refer to the relevant units as set out in the Table hereto:

TABLE

Imperial System		*Metric System*	
gallon	gal	litre	l or L

(**5**) ISBN No. 0 580 195732 2, published by the British Standards Institution on 30th March 1972, as amended in May 1991
(**6**) ISBN No. 0 580 22581 X, published by the British Standards Institution on 15th November 1993
(**7**) ISBN No. 0 580 15076 3, published by the British Standards Institution on 28th February 1986
(**8**) O.J. No. C305, 23.11.92, p. 66
(**9**) O.J. No. C194, 19.7.93, p. 143
(**10**) S. R. & O. (N.I.) 1969 No. 11

Imperial System		*Metric System*	
quart	qt	centilitre	cl or cL
pint	pt	millilitre	ml
fluid ounce	fl oz		
Degree Celsius	°C		

Application of Regulations

3.—(1) These Regulations apply to liquid capacity measures and dry capacity measures for use for trade, other than—

(a) liquid capacity measures to which the Capacity Serving Measures (Intoxicating Liquor) Regulations (Northern Ireland) 1993(**11**) apply;

(b) liquid capacity measures specified in paragraph 4 of Schedule 4 to the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 1990(**12**) for use only for making up or checking packages in accordance with Article 31(9) or (10)(*a*) of the Order; or

(c) liquid capacity measures for use for measuring liquid lubricants;

(d) liquid capacity measures for use for measuring milk;

(e) dry capacity measures for use for measuring peas and beans;

(f) capacity measures which exceed—

(i) 20 litres for metric measures; or

(ii) 16 pints for imperial measures; or

(g) capacity measures being containers which—

(i) have been supplied by retail containing a cosmetic product;

(ii) are provided by an individual to a retailer; and

(iii) are used by the retailer in the presence of the individual in ascertaining or determining the amount by volume of a cosmetic product which is of the same description as that mentioned in sub-paragraph (i) and is to be supplied to him in the container,

and in this sub-paragraph "cosmetic product" means any substance or preparation intended to be placed in contact with the various external parts of the human body (that is to say, the epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively, or mainly to cleaning them, perfuming them, changing their appearance, correcting bodily odours, protecting them or keeping them in good condition.

(2) Regulations 4, 5, 6(1)(*a*) to (*d*), 7, 9, 10, 12 and 16(4) and (5)(*a*) do not apply to dispensing measures for pharmaceutical purposes.

(3) Capacity measures to which these Regulations apply are hereby prescribed for the purposes of Article 9(1) of the Order.

(4) Graduated and subdivided capacity measures referred to in regulation 16(5)(*c*) are hereby prescribed as being lawful for use for trade for the purposes of Article 8(1)(*b*) of the Order.

(**11**) S.R. 1993 No. 441 as amended by S.R. 1995 No. 228
(**12**) S.R. 1990 No. 410 to which there are amendments not relevant to these Regulations

Part II

Materials, Principles of Construction and Use

Categories of capacity measures

4. For the purposes of these Regulations any capacity measure is either—

(a) a line measure marked with lines which—

(i) are conspicuous and durable; and

(ii) are marked on the outside surface of a measure which is made of transparent or translucent material and on the inside surface of a measure which is made of opaque material; or

(b) a brim measure having a brim in a horizontal plane when the measure is on a flat, horizontal surface.

Materials and principles of construction of capacity measures

5. Capacity measures shall be made of any of the following materials—

(a) aluminium alloy;

(b) enamelled metal;

(c) glass;

(d) plated, tinned, galvanised or stainless steel;

(e) plastic material which resists deformation under hand pressure and does not split or show signs of striation after immersion in water at 95°C for 10 minutes;

(f) silver or silver alloy; or

(g) any other material which is rigid, stable and sufficiently durable for normal use for trade.

Construction of capacity measures

6.—(1) Every capacity measure shall be so constructed that—

(a) it does not rock when its base is on a flat, horizontal surface;

(b) its brim and lines are horizontal, when its base is on a flat, horizontal surface;

(c) it remains reasonably perpendicular when rotated about its vertical axis;

(d) air is not trapped on filling; and

(e) liquid or solid is not trapped on emptying when tilted so that its vertical axis is at an angle of 135 degrees from the vertical for any rotational orientation about that axis.

(2) Save where paragraph (4) has effect, dispensing measures for pharmaceutical purposes shall comply with the requirements of BS 604: 1982 or BS 1922: 1987.

(3) In the case of a double measure—

(a) the measure shall be so constructed that it is readily identifiable as a double measure;

(b) the part of the measure having the greater capacity shall have a purported value which is twice that of the part having the lesser capacity; and

(c) neither part of the measure shall be a graduated measure or a subdivided measure.

(4) Any capacity measure, instead of complying with the requirements of paragraph (1) or (2) as the case may be, may comply with—

(a) a relevant national standard or code of practice issued by a national standards body or similar body in a member State or an EEA State;

(b) a relevant international standard officially recognised for use in a member State or an EEA State;

(c) a relevant technical provision of mandatory application in relation to marketing or use in a member State or an EEA State; or

(d) descriptive technical documents relating to manufacturing processes lawfully carried out in a member State or an EEA State, being documents which are sufficiently detailed to enable the measures to be evaluated (if necessary by the carrying out of tests) as capacity measures for use otherwise than as dispensing measures for pharmaceutical purposes or as such dispensing measures, as may be appropriate,

being requirements which, in any case, afford in use at least equivalent standards of safety, suitability and fitness for purpose of such measures as does paragraph (1) and, in the case of dispensing measures for pharmaceutical purposes, BS 604: 1982 or BS 1922: 1987.

(5) In paragraph (4)(*d*) references to descriptive technical documents are references to such documents which are either published and available to members of the public or are made available by the manufacturer on request—

(a) to any person who is a user or potential user of the capacity measures in question; and

(b) to an inspector for the purposes of the performance by him of his functions under the Order or these Regulations relating to inspection, testing, passing as fit for use for trade and stamping of a capacity measure.

Purpose and manner of use of capacity measures

7. A person shall not use a capacity measure—

(a) for the measurement of goods which might affect, or be affected by, the material from which the measure is made;

(b) in such a manner that it is exposed to conditions which adversely affect its accuracy or function; or

(c) for the measurement of intoxicating liquor before its transfer to a container in which the buyer is to receive it, unless the buyer has a clear and unobstructed view of the measurement and transfer.

Part III

Testing

Capacity measures for testing to be clean

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

Method of testing of capacity measures

9. Subject to regulation 12, the inspector shall test every capacity measure—

(a) by trial for use in the manner in which it is to be used as a measure, either for holding or for delivering its contents;

(b) by using—

(i) where practicable, water or an intended liquid of use; or