STATUTORY RULES OF NORTHERN IRELAND

1997 No. 220

WEIGHTS AND MEASURES

Measuring Equipment (Liquid Fuel by Road Tanker) (Amendment) Regulations (Northern Ireland) 1997

Made - - - -	*22nd April 1997*
Coming into operation	*22nd May 1997*

The Department of Economic Development, 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(**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 (Liquid Fuel by Road Tanker) (Amendment) Regulations (Northern Ireland) 1997 and shall come into operation on 22nd May 1997.

Amendment of the Measuring Equipment (Liquid Fuel by Road Tanker) Regulations (Northern Ireland) 1984

2. The Measuring Equipment (Liquid Fuel by Road Tanker) Regulations (Northern Ireland) 1984(**3**) shall be amended as provided in regulations 3 to 5.

3. Regulation 19A shall be omitted.

4. After regulation 55 (Cleanliness of tanks) there shall be inserted the following regulation:—

"**Measuring equipment imported from another member State or an EEA State**

55A.—(1) In relation to measuring equipment 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 measuring equipment being imported, he is presented with the requisite documentation.

(2) In this regulation and in regulation 57(2)—

(**1**) S.I.1981/231 (N.I. 10)
(**2**) By S.I. 1982/846 (N.I. 11)Art. 4
(**3**) S.R. 1984 No. 117 as amended by S.R. 1986 No. 307 and S.R. 1995 No. 228, Schedule Parts I and II

(a) "requisite documentation" means—

(i) the test report of an approved body stating that the measuring equipment which is the subject of that report has been tested in accordance with the tests mentioned in this Part and stating which tests have been applied to that measuring equipment; and

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

(b) "EEA State" means 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 in an EEA State which has the responsibility in that State for metrological control of measuring equipment or is a laboratory which has been accredited in a member State or 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 test results presented to him; or

(b) that those results in fact relate to the measuring equipment being imported.".

5. For regulation 57 there shall be substituted the following regulation:—

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

57.—(1) Save in a case of measuring equipment imported from another member State or an EEA State, measuring equipment shall not be passed as fit for use for trade unless—

(a) it complies with all the appropriate requirements of these Regulations; and

(b) on testing it falls within the prescribed limits of error.

(2) In the case of measuring equipment imported from another member State or an EEA State, it shall not be passed as fit for use for trade unless—

(a) where the requisite documentation is presented in accordance with regulation 55A, the test report recites and the test data confirm to the satisfaction of the inspector that on testing in accordance with provisions of the law of a member State or EEA State it fell within limits of error which afford in use at least an equivalent standard to the prescribed limits of error;

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

(c) the inspector is of the opinion that it is not constructed in a manner which facilitates fraudulent use and that it does not bear any inscriptions which might cause confusion in use.".

(**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 operation of testing laboratories".