STATUTORY RULES OF NORTHERN IRELAND

1996 No. 320

WEIGHTS AND MEASURES

Non-automatic Weighing Machines and Non-automatic Weighing Instruments (Amendment) Regulations (Northern Ireland) 1996

Made - - - -	*24th July 1996*
Coming into operation	*2nd September 1996*

The Department of Economic Development, in exercise of the powers conferred by Article 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 Non-automatic Weighing Machines and Non-automatic Weighing Instruments (Amendment) Regulations (Northern Ireland) 1996 and shall come into operation on 2nd September 1996.

Amendment of the Weighing Equipment (Non-automatic Weighing Machines) Regulations (Northern Ireland) 1991

2. The Weighing Equipment (Non-automatic Weighing Machines) Regulations (Northern Ireland) 1991(**3**) shall be amended as provided in regulations 3 to 6.

3. In regulation 4—

(a) for paragraphs (1) and (2) there shall be substituted the following paragraphs—

"(1) Where a non-automatic weighing machine is marked with a weighing range, a person shall not use that machine for trade, save in accordance with paragraph (2), for determining a weight outside that range in relation—

(a) to, or to articles made from, gold, silver or other precious metals, including gold or silver thread or fringe;

(b) to precious stones or pearls; or

(**1**) S.I. 1981/231 (N.I. 10)
(**2**) By S.I. 1982/846 (N.I. 11)Art. 4
(**3**) S.R. 1991 No. 266 as amended by S.R. 1992 No. 537 and S.R. 1995 No. 228

(c) to drugs or other pharmaceutical products.

(2) A non-automatic weighing machine marked with a weighing range may be used for trade for determining the weight of any item by ascertaining the difference between two weights (both of which fall within the weighing range), that is to say, the weight of that item and another item or items and the weight of that other or those other items only."; and

(b) for sub-paragraphs (*a*) to (*c*) of paragraph (5) there shall be substituted—

"(a) in, or in articles made from, gold, silver or other precious metals, including gold or silver thread or fringe;

(b) in precious stones or pearls.".

4. After regulation 35 there shall be added the following regulation—

"**Non-automatic weighing machines imported from another member State or an EEA State**

35A.—(1) In relation to any non-automatic weighing machine 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 these Regulations if, together with the machine being imported, he is presented with the requisite documentation.

(2) In this regulation and in regulation 38(5)—

(a) "requisite documentation" means—

(i) the test report of an approved body that the machine which is the subject of that report has been tested on the same basis as those set out in these Regulations and stating which tests have been applied to it; 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 non-automatic weighing machines 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 results presented to him; or

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

5. In regulation 36, for paragraph (2) there shall be substituted—

"(2) In the case of a machine marked with an approved minimum load, the prescribed limits of error specified in Schedule 4 shall apply on and after 2nd September 1996 for test loads of less than the amount of that load.".

(**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".