1992 No. 537

WEIGHTS AND MEASURES

Weighing Equipment (Non-automatic Weighing Machines) (Amendment) Regulations (Northern Ireland) 1992

Made . . . . . *11th December 1992*

Coming into operation . . *30th December 1992*

The Department of Economic Development, in exercise of the powers conferred by Articles 9(1) and (3) and 13(1) of the Weights and Measures (Northern Ireland) Order 1981(**a**) and now vested in it(**b**) 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 Weighing Equipment (Non-automatic Weighing Machines) (Amendment) Regulations (Northern Ireland) 1992 and shall come into operation on 30th December 1992.

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(**c**) shall be amended as provided in regulations 3 to 19.

3. In regulation 2(1)—

(*a*) for the definition of ''automatic catchweight weighing machine'' there shall be substituted—

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

(i) 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

(ii) 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;'';

(*b*) in the definition of ''non-automatic weighing machine'' for the words ''a weigh-price labeller'' there shall be substituted the words ''an automatic catchweight weighing machine'';

(a) S.I. 1981/231 (N.I. 10)
(b) By S.I. 1982/846 (N.I. 11) Art. 4
(c) S.R. 1991 No. 266

(*c*) the definition of "customer check weighing machine" shall be omitted; and

(*d*) the definition of "weigh-price labeller" shall be omitted.

4. In regulation 2(2), for the words "carat (metric) CM" there shall be substituted the words "carat (metric) CM, ct".

5. In regulation 3(2), after sub-paragraph (*g*) there shall be added—

"(*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 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;".

6. In regulation 4—

(*a*) for paragraph (1) there shall be substituted—

"(1) Where a non-automatic weighing machine is marked with a weighing range, a person shall not use that machine for trade for determining a weight outside that range unless that use is for the purpose of determining the weight of any item by way of ascertaining the difference between two weights, 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.";

(*b*) in paragraph (5), sub-paragraph (*d*) shall be omitted;

(*c*) in head (i) of paragraph (6)(*a*), after the semi-colon there shall be inserted the word "or"; and

(*d*) head (iii) of paragraph (6)(*a*) shall be omitted.

7. In regulation 10, at the beginning there shall be inserted the words "Subject to regulation 10A,".

8. After regulation 10 there shall be added the following regulation:—

"*Transactions by retail in drugs or other pharmaceutical products*

10A. In the case of a non-automatic weighing machine (being a non-graduated Class II machine with a maximum capacity of not less than 25 g and not more than 1 kg) which is used for trade in any transaction by retail in drugs or other pharmaceutical products, the verification scale interval 'e' in Table 2 of Schedule 2 shall be within the range Max/2000 to Max/20000 inclusive.".

9. In regulation 14—

(*a*) in paragraph (1) for the words "paragraph (2)" there shall be substituted the words "paragraphs (2) and (3)"; and

(*b*) after paragraph (2) there shall be added—

"(3) Notwithstanding paragraph (1)—

(*a*) in the case of a Class II, III or IIII non-automatic weighing machine used for the purpose of determining postal or other tariffs, the approved minimum load (as indicated in relation to the machine in Table 2, 3 or 4 in Schedule 2, as the case may require) shall be not less than five times the scale interval 'd' (for a graduated machine) or five times the verification scale interval 'e' (for a non-graduated machine) specified in relation to the machine in that Table; and

(*b*) in the case of a non-automatic weighing machine which is balanced otherwise than at zero, the approved minimum load shall be determined by reference to the balanced position.".

10. In sub-paragraph (*f*) of regulation 16(2), after head (iii) there shall be added the following head—

"(iv) in the case of a machine to which regulation 14(3) applies, "Min ..." (where "..." is the approved minimum load for the purpose of determining postal or other tariffs) and the words "for determining ... tariffs" (where "..." is the specific tariff for which the machine is used).".

11. In regulation 17(1), after sub-paragraph (*c*) there shall be added—

"(*d*) on and after 30th December 1992, they shall be marked in metric units or in pounds or ounces, in full or by means of one of the following abbreviations or symbols only:—

lb, oz, oz tr, t, kg, g, CM, ct, mg.".

12. In regulation 18, the words "with a maximum capacity not exceeding 12 kg," shall be omitted.

13. In regulation 20—

(*a*) in paragraph (1), the words "whether as a customer check weighing machine or as a self service weighing machine" shall be omitted; and

(*b*) paragraph (3) shall be omitted.

14. In paragraph (*a*)(ii) of regulation 21, for the words "machine; and" there shall be substituted the words "machine; or".

15. In regulation 27, after the word "erected" there shall be inserted the words "and used".

16. In regulation 36—

(*a*) in paragraph (1), for the words "paragraph (2)" there shall be substituted the words "paragraphs (2) and (3)"; and

(*b*) after paragraph (2) there shall be added—

"(3) Notwithstanding paragraph (1), the procedures specified in paragraphs 15 and 16 of that Schedule shall not be carried out unless the inspector considers it necessary to do so having regard to the characteristics of the machine or to the particular circumstances.".

17. In Schedule 2, for Table 3 there shall be substituted the following Table—