1992 No. 484

WEIGHTS AND MEASURES

Non-automatic Weighing Instruments (EEC Requirements) (Use for Trade) Regulations (Northern Ireland) 1992

Made . . . . . *19th November 1992*

Coming into operation . . *1st January 1993*

The Department of Economic Development, in exercise of the powers conferred by Article 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 Non-automatic Weighing Instruments (EEC Requirements) (Use for Trade) Regulations (Northern Ireland) 1992 and shall come into operation on 1st January 1993.

Interpretation

2. In these Regulations—

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

"the 1992 Regulations" means the Non-automatic Weighing Instruments (EEC Requirements) Regulations 1992(**c**);

"EC type-approval certificate" means a certificate issued by the Secretary of State under regulation 10 of the 1992 Regulations or by an approved body designated by another member State, as the case may be;

"instrument" means a non-automatic weighing instrument (including ancillary equipment) which—

(i) requires the intervention of an operator during weighing, and

(ii) serves to determine the mass or weight of any thing by using the action of gravity on that thing (whether or not it may also determine related matters such as price, quantity or magnitude on the basis of mass or weight);

"load receptor" means a part of a machine on which loads are placed for the purpose of their being weighed;

and other expressions used have the same meanings as in the 1981 Order.

(**a**) S.I. 1981/231 (N.I. 10)
(**b**) By S.I. 1982/846 (N.I. 11) Art. 4
(**c**) S.I. 1992/1579

Application

3. These Regulations apply to any instrument, in use for trade, to which regulation 3 of the 1992 Regulations(**a**) applies.

Restrictions on use of instruments for trade

4.—(1) A person shall not use an instrument for trade for determining a weight outside its weighing range.

(2) Notwithstanding paragraph (1), an instrument may be used for trade—

(*a*) in the range between zero indication and the minimum capacity only—

(i) during the determination of postal or other tariffs, and

(ii) where there is a common tariff for any weight value at and below that minimum capacity; or

(*b*) for 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.

(3) A person shall not use for trade an instrument carrying a marking required by the EC type-approval certificate or the 1992 Regulations for a purpose which does not accord with the marking.

(4) A person shall not use for trade any instruments other than an instrument of accuracy classification as Class I or Class II in any transaction—

(*a*) in gold, silver or other precious metal;

(*b*) in precious stones; or

(*c*) in jewellery.

(5) A person shall not use a Class IIII instrument for trade for any purpose other than for weighing any of the materials to which the expression "ballast" applies in Schedule 4 to the 1981 Order.

(6) A person shall not use for trade any instrument for the purpose of multiple weighing, that is to say, determining the mass of a load by totalling the results of more than one static weighing operation during each of which the load is only partially supported by the load receptor.

Manner of erection of instruments

5. Where an instrument is fitted with one or more level-indicating devices, a person shall not use the instrument for trade unless each such device indicates that it has been set to its reference position.

Instruments marked with temperature range

6. Where an instrument is marked with a temperature range, a person shall not use the instrument for trade at temperatures outside that range.

(**a**) As modified by regulation 43 and Part I of Schedule 5 to the 1992 Regulations