1985 No. 364

WEIGHTS AND MEASURES

Weights and Measures (Amendment) Regulations (Northern Ireland) 1985

Made . . . . . 23rd December 1985

Coming into operation . . . 29th January 1986

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 Weights and Measures (Amendment) Regulations (Northern Ireland) 1985 and shall come into operation on 29th January 1986.

Amendment of the Weights and Measures Regulations (Northern Ireland) 1967

2. The Weights and Measures Regulations (Northern Ireland) 1967(**c**) shall be amended as follows:—

(*a*) in Regulation 2, after the definition of "the prescribed stamp", there shall be added the following definition:—

" "price computing weighing instrument" includes ancillary equipment associated with it and any other equipment physically or otherwise connected to it whether or not such equipment has been connected to ensure correct weighing or is intended to facilitate operation of the weighing instrument and ancillary equipment;";

(*b*) after Regulation 3 there shall be added the following Regulation:—

"Prohibition on use for trade of certain price computing weighing instruments

3A. A person shall not on or after 1st September 1986 use for trade any price computing weighing instrument if—

(*a*) it indicates in digital form during a weighing operation a part of a penny in the amount of the price to be paid by the buyer; or

(*b*) it indicates the price in digital form and has any monetary indications in units of a part of a penny in vulgar fraction form which are capable of being used during a weighing operation to calculate the price.";

(*c*) after Regulation 5(1) there shall be added the following paragraphs:—

"(1A) No price computing weighing instrument shall first be passed as fit for use for trade on or after 1st April 1986 if—

(*a*) it is capable of indicating during a weighing operation a part of a penny in the amount of the price to be paid by the buyer; or

(*b*) it has any monetary indications in units of a part of a penny in vulgar fraction form which are capable of being used during a weighing operation to calculate the price.

(**a**) S.I. 1981/231 (N.I. 10)
(**b**) By S.I. 1982/846 (N.I. 11) Art. 4
(**c**) S.R. & O. (N.I.) 1967 No. 237 as amended by S.R. & O. (N.I.) 1972 No. 278

(1B) No price computing weighing instrument shall first be passed as fit for use for trade on or after 1st September 1986 if it is capable of indicating in digital form during a weighing operation the amount of any price to be paid by the buyer other than a price rounded to the nearest penny, any price computed as including exactly a halfpenny being rounded up or down.'';

(*d*) after Regulation 7 there shall be added the following Regulation:—

''*Obliteration of stamps following a modification which has affected the accuracy or function of a price computing weighing instrument*

7A.—(1) Subject to the following paragraphs, where any price computing weighing instrument has, since it was last stamped, been the subject of any modification consisting of any adjustment, alteration, addition, repair or replacement which has affected its accuracy or function, the inspector shall obliterate the stamp on that instrument.

(2) Nothing in paragraph (1) shall require an inspector to obliterate the stamp on any price computing weighing instrument which has been so modified if he is satisfied—

(*a*) that the sole purpose of the modification was to prevent the instrument from being capable of indicating during a weighing operation a part of a penny in the amount of the price to be paid by the buyer;

(*b*) (i) that the instrument is not capable of indicating a totalised price, has no monetary indications in units of a part of a penny in vulgar fraction form which are capable of being used during a weighing operation to calculate the price, had previously indicated in digital form during a weighing operation a part of a penny in the amount of the price to be paid by the buyer *and* the modification was made by covering any markings of a part of a penny on it used for so indicating a price so as to render them permanently invisible or by permanently removing any such markings of a part of a penny from the instrument or by permanently removing the power supply from that part of the instrument designed solely for so indicating a price; or

(ii) that the instrument had previously indicated otherwise than in digital form during a weighing operation a part of a penny in the amount of the price to be paid by the buyer and the modification was made by replacing or adding a chart or pointer, or by covering any such markings of a part of a penny on the instrument so as to render them permanently invisible; and

(*c*) (i) that within the period of fifteen days following the making of the modification the requirements of paragraph (3) were complied with; or

(ii) that the period for complying with those requirements has not yet expired.

(3) The requirements referred to in paragraph (2)(*c*) are that the chief inspector of weights and measures is furnished in writing by the person carrying out the modification with exact details of the modification and the following particulars, namely—

(*a*) his name and address;

(*b*) the date on which the modification was completed;

(*c*) particulars by which the instrument may be identified;

(*d*) the name and address of the person who will first use the instrument for trade after its modification and the address at which it will be so used or, if those particulars are not known, an address at which the instrument will be available for inspection for a period of not less than 10 days beginning with the day on which the notification in writing is given to the chief