1985 No. 267

WEIGHTS AND MEASURES

Measuring Equipment (Liquid Fuel and Lubricants) (Amendment) Regulations (Northern Ireland) 1985

Made	*4th October 1985*
Coming into operation . . .	*11th November 1985*

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(**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 Measuring Equipment (Liquid Fuel and Lubricants) (Amendment) Regulations (Northern Ireland) 1985 and shall come into operation on 11th November 1985.

Amendment of the Measuring Equipment (Liquid Fuel and Lubricants) Regulations (Northern Ireland) 1983

2. The Measuring Equipment (Liquid Fuel and Lubricants) Regulations (Northern Ireland) 1983(**c**) shall be amended as follows:—

(*a*) after Regulation 2, there shall be added the following Regulation:—

"*Prohibition on use of equipment for trade*

2A. No person shall on or after 1st August 1986 use for trade any measuring equipment fitted with a price to pay indicating device in digital form if it indicates during a measuring operation a part of a penny in the amount of the price to be paid by the buyer.";

(*b*) for Regulation 16 there shall be substituted the following Regulation:—

"*Prescribed limits of error*

16.—(1) Subject to paragraphs (2) to (7), the prescribed limits of error relating to any measuring equipment shall be those set out in Table 1 in the Schedule.

(2) In the case of measuring equipment other than equipment constructed to deliver a fixed quantity only, the prescribed limits of error where the testing relates to a quantity equivalent to the minimum delivery of the equipment shall be those set out in Table 2 in the Schedule.

(3) Where a quantity indicated by the measuring equipment is larger than the minimum delivery of the equipment, then the prescribed limits of error for the said quantity shall never be less than that prescribed for the quantity equivalent to the minimum delivery of the equipment set out in the said Table 2.

(4) If, on testing with a view to passing as fit for use for trade, the errors on all the quantities of individual grades of liquid fuel indicated by the measuring equipment during the tests are all errors in excess or all errors in deficiency then, notwithstanding that they are all within the prescribed limits of error set out in the

(**a**) S.I. 1981/231 (N.I. 10)
(**b**) By S.I. 1982/846 (N.I. 11) Art. 4
(**c**) S.R. 1983 No. 369

said Table 1 or Table 2 as appropriate, at least one error in respect of each individual grade shall not exceed either—

(*a*) one half of the prescribed limits of error set out in the said Table 1 or Table 2 as appropriate; or

(*b*) 0.3% of the quantity indicated,

whichever is the greater.

(5) In relation to the retesting of any measuring equipment fitted with a price computing device which—

(*a*) is, in the opinion of an inspector, only required to be retested as a result of an adjustment of that device occasioned by a change in price; and

(*b*) has previously been tested and passed as fit for use for trade (but not since the said adjustment was made),

the prescribed limits of error shall be the amounts set out in the said Table 1 or 2 as appropriate in relation to obliteration of the stamp.

(6) In relation to the retesting of any measuring equipment fitted with a price to pay indicating device in digital form which—

(*a*) is, in the opinion of an inspector, only required to be retested as a result of an adjustment of that device to prevent it from being capable of indicating during a measuring operation a part of a penny in the amount of the price to be paid by the buyer; and

(*b*) has previously been tested and passed fit for use for trade (but not since the said adjustment was made),

the prescribed limits of error upon the first retesting of that equipment with a view to its being passed as fit for use for trade shall be those set out in the said Table 1 or 2 as appropriate in relation to obliteration of the stamp.

(7) In relation to the retesting of any measuring equipment converted to indicate the quantity delivered in metric units which—

(*a*) is, in the opinion of an inspector, only required to be retested as a result of such conversion; and

(*b*) has previously been tested and passed as fit for use for trade (but not since the said conversion was made),

the prescribed limits of error upon the first retesting of that equipment with a view to its being passed as fit for use for trade shall be those set out in the said Table 1 or 2 as appropriate in relation to obliteration of the stamp.

(8) On the testing of any measuring equipment fitted with a price computing device the difference between the price indicated by that device and the price computed on the basis of the unit price and of the quantity indicated for test purposes shall not exceed the price of the quantity equal to the error in deficiency set out in the said Table 2 for a quantity equivalent to the minimum delivery of the equipment in relation to obliteration of the stamp.'';

(*c*) Regulation 17 shall be renumbered Regulation 17(1), after which the following paragraph shall be added:—

''(2) No measuring equipment fitted with a price to pay indicating device in digital form shall first be passed as fit for use for trade if it is capable of indicating during a measuring operation a part of a penny in the amount of the price to be paid by the buyer.'';

(*d*) for Regulation 21 there shall be substituted the following Regulation:—

''*Inspectors' powers and duties regarding obliteration of stamps*

21.—(1) Subject to paragraph (2), an inspector shall obliterate the stamp on any measuring equipment which—