1983 No. 369

WEIGHTS AND MEASURES

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

Made . . . . . *16th November 1983*

Coming into operation . . . *19th December 1983*

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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:—

PART I

GENERAL

Citation, commencement, interpretation and revocation

1.—(1) These Regulations may be cited as the Measuring Equipment (Liquid Fuel and Lubricants) Regulations (Northern Ireland) 1983 and shall come into operation on 19th December 1983.

(2) In these Regulations—

"certificate of approval" means a certificate of approval of a pattern of measuring equipment granted or renewed by the Department of Economic Development under Article 10 of the Order or any instrument having effect under Article 11(5) of the Order as if it were a certificate of approval so granted on 4th April 1979 or a certificate of approval of a pattern of measuring equipment deemed under Article 10(8) of the Order to have been granted and published under the provisions of the said Article 10;

"grade" in relation to any petrol means one of the following grades, that is to say, 2 star, 3 star, 4 star, or 5 star as mentioned in the British Standard Specification for petrol (gasoline) for motor vehicles B.S.4040: 1978 published by the British Standards Institution on 29th September 1978(**c**);

"liquid fuel" includes liquid fuel, lubricants and any mixture of liquid fuel and lubricants;

"measuring equipment" means any measuring equipment, other than a capacity measure, including a measuring device, 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 measurement or is intended to facilitate operation of the measuring device and ancillary equipment;

"minimum delivery" means the smallest quantity of liquid fuel which the measuring equipment is designed to measure;

"notice of examination" means a notice of examination caused to be published by the Secretary of State in pursuance of section 12(1) of the Weights and Measures Act 1963(**d**) or by the Department of Economic Development in

(**a**) S.I. 1981/231 (N.I. 10).
(**b**) By S.I. 1982/846 (N.I. 11), Art. 4
(**c**) I.S.B.N. No. 0 580 10408 7
(**d**) 1963 c.31. This Act was amended by the Weights and Measures &c Act 1976 (c.77) and the Weights and Measures Act 1979 (c.45)

pursuance of Article 10(1) of the Order giving particulars of a pattern in respect of which a certificate of approval has been granted;

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

"pattern" has the meaning set out in Regulation 3(1);

"prescribed limits of error" has the meaning set out in Regulation 16; and

"the stamp" means the stamp prescribed by the Weights and Measures (Prescribed Stamp) Regulations (Northern Ireland) 1969(**a**).

(3) The Measuring Instruments (Liquid Fuel and Lubricants) Regulations (Northern Ireland) 1981(**b**) are hereby revoked.

Application of Regulations and prescription of equipment

2.—(1) Subject to paragraph (2), these Regulations shall apply to all measuring equipment for use for trade in the making of any measurement of liquid fuel in a quantity not exceeding 20 gallons if it is constructed to measure in imperial units, or 100 litres if it is constructed to measure in metric units, other than equipment for use for trade in the making of any measurement of liquefied petroleum gas; and measuring equipment to which these Regulations apply is hereby prescribed for the purposes of Article 9(1) of the Order.

(2) These Regulations shall not apply to any measuring equipment for use for the measurement by capacity of liquid fuel in a quantity not exceeding 100 litres, which, in accordance with a programme of automatic control and without the intervention of an operator during the measuring process, measures quantities of liquid fuel to a constant nominal capacity, the quantities being kept separate.

PART II

PRINCIPLES OF CONSTRUCTION AND MARKING OF MEASURING EQUIPMENT

Approved patterns of construction and identification marks

3.—(1) All measuring equipment shall be made in accordance with a pattern in respect of which a certificate of approval is in force and in these Regulations "the pattern" means the particular pattern in accordance with which any particular measuring equipment is so made.

(2) Subject to paragraph (3), measuring equipment submitted for testing with a view to passing as fit for use for trade shall be legibly and durably marked with the number of the certificate of approval or of the notice of examination, preceded by the words "Certification No." or "Cert. No." or "Notice No." or "DED Certification No." or "DED Cert. No." or "DED Notice No." as the case may be.

(3) Paragraph (2) shall not apply to any measuring equipment which was first submitted for testing before 1st May 1982.

Marking with name of manufacturer

4. All measuring equipment shall be legibly and durably marked with the name of the manufacturer.

Provision of zero indication device

5. Every individual sales indicator fitted to measuring equipment shall be so arranged that—

(**a**) S.R. & O. (N.I.) 1969 No. 11
(**b**) S.R. 1981 No. 317

(*a*) the indicator reading is capable of being set to zero before a delivery commences; and

(*b*) the indicator reading cannot be advanced by any means other than by the proper operation of the equipment.

Display of marking of method of operation

6. Every marking, notice, inscription or indication on measuring equipment referring to the method of operation or to the quantity of liquid fuel delivered shall be conspicously, legibly and durably marked in a suitable position in plain block characters on a plain background and in distinct contrast to it.

Display of information to buyer

7.—(1) Subject to paragraphs (2) and (3), all measuring equipment which forms part of a fixed installation shall be so positioned that a buyer may readily obtain a clear and unobstructed view—

(*a*) of all the operations carried out by any other person using the equipment to measure the liquid fuel being supplied to the buyer; and

(*b*) of any device on the equipment which is designed to indicate to the buyer the quantity supplied or the amount payable or that delivery is being effected.

(2) Paragraph (1) shall not apply to any equipment for use only for measuring kerosene except where the equipment is—

(*a*) situated on premises where petroleum is sold, or

(*b*) used for measuring kerosene in the course of delivery into the fuel tanks of vehicles.

(3) Paragraph (1) shall not apply to any equipment normally used for the measurement of lubricants in the absence of the buyer.

Manner of use for trade

8. All measuring equipment shall be used for trade in such a manner that every individual sales indicator shall be set to zero before a delivery commences.

PART III

TESTING

Testing under practical working conditions

9. All measuring equipment shall be tested by an inspector under practical working conditions with the liquid fuel that the equipment is intended to deliver.

Testing dependent on completeness of equipment

10. Measuring equipment shall not be tested unless it is complete with all its parts as specified in the particular pattern in accordance with which the equipment is made as set out in any certificate of approval relating to it and which is in force or in any notice of examination.

Testing of permanently fixed equipment

11. All measuring equipment which is to be permanently fixed in the position in which it is to be used shall be tested, passed as fit for use for trade and stamped only when completely erected ready for use and installed at the place where it is to be used.

Pre-testing requirements for measuring equipment with discharge hoses

12.—(1) Subject to paragraph (2), before testing any measuring equipment fitted with a discharge hose, the inspector shall ensure that liquid fuel has first been passed through the equipment.

(2) Paragraph (1) shall not apply to equipment used for the measurement of such liquid fuel where the delivery system remains permanently full up to the outer extremity of the discharge hose.

(3) In this Regulation the expression "hose" includes rigid pipework.

Power of inspector to request provision of liquid fuel

13. For the purposes of the performance by an inspector of his functions under the Order or these Regulations relating to inspection, testing, passing as fit for use for trade and stamping of any measuring equipment, a person submitting such equipment to an inspector or who an inspector has reasonable cause to believe has possession of such equipment for use for trade shall, if requested, make available for the inspector's use such liquid fuel in his possession as the inspector may reasonably require, and such liquid fuel shall be returned to the person in question or be placed in a suitable receptacle reasonably convenient for the purpose and nominated and provided by the proprietor or person in charge of the equipment.

Inspectors' powers to open tanks and containers

14.—(1) An inspector may open any locked or sealed tank or container for the purpose of testing any measuring equipment or for the return of liquid fuel withdrawn during testing, and any liquid fuel so withdrawn shall, upon the conclusion of the test, be forthwith returned to the tank or container from which it was withdrawn if the inspector is of the opinion that it is practicable and desirable so to do and the proprietor or person in charge of the equipment does not object; otherwise, it shall be placed in another suitable receptacle reasonably convenient for the purpose and nominated and provided by the proprietor or person in charge of the equipment.

(2) The inspector, if requested, shall give to the proprietor or person in charge of the said equipment a signed and dated statement of the quantity of such liquid fuel withdrawn from the tank or container and returned or placed as aforesaid.

Duty of inspector to reseal tanks and containers

15. An inspector shall securely re-fasten any tank or container opened under Regulation 14(1) immediately after the conclusion of the test and the return of any liquid fuel withdrawn during testing or its placing in another receptacle; and for this purpose he shall replace any seal or link broken by him in opening the said tank or container with a seal upon which he shall affix the stamp.

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 equipment other than equipment constructed to deliver a fixed quantity only, the 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 and the error in excess or in deficiency for that quantity set out in the said Table 1 is less than that for a quantity equivalent to the minimum delivery of the equipment set out in the said Table 2, then the prescribed limits of error for the said quantity shall be those 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 said Table 1 or 2 as appropriate, at least one of them shall not exceed either—