1971. No. 116 **[C]**

WEIGHTS AND MEASURES

Cubic Measures (Sand, Ballast and Agricultural Materials)

REGULATIONS, DATED 15TH APRIL 1971, MADE BY THE MINISTRY OF COMMERCE UNDER SECTIONS 5 AND 8 OF, AND PARAGRAPH 4 OF PART I OF SCHEDULE 3 AND PARAGRAPH 3 OF PART III OF SCHEDULE 5 TO, THE WEIGHTS AND MEASURES ACT (NORTHERN IRELAND) 1967.

The Ministry of Commerce, in exercise of the powers conferred upon it by Sections 5(1), (3) and 8(1) of, and paragraph 4 of Part I of Schedule 3 and paragraph 3 of Part III of Schedule 5 to, the Weights and Measures Act (Northern Ireland) 1967(a) (hereinafter called "the Act") and all other powers enabling it in that behalf, hereby makes the following Regulations:—

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Cubic Measures (Sand, Ballast and Agricultural Materials) Regulations (Northern Ireland) 1971 and shall come into operation on 1st May 1971.

(2) The Weights and Measures (Ballast, Agricultural Liming Materials, etc.) Regulations (Northern Ireland) 1969(b) are hereby revoked.

Interpretation

2. In these Regulations—

"agricultural materials" means any of the materials mentioned in paragraph 1 of Part III of Schedule 5 to the Act, that is to say,—

(*a*) agricultural liming materials, other than calcareous sand;

(*b*) agricultural salt;

(*c*) inorganic fertilisers and mixtures consisting mainly of inorganic fertilisers other than fertilisers or mixtures made up into pellets or other articles for use as individual items; and

(*d*) any mixtures of any of the foregoing;

"ballast" means any of the materials mentioned in paragraph 1 of Schedule 3 to the Act, that is to say,—

(*a*) sand, gravel, shingle, ashes and clinker of any description;

(*b*) broken slag, slag chippings, granite chippings, limestone chippings, slate chippings and other stone chippings (including such materials which have been coated with tar, bitumen or cement);

(*c*) any other material commonly used in the building and civil engineering industries as a hardcore or an aggregate; and

(*d*) any other material commonly known in the said industries as ballast;

"brim measure" means any measure designed to measure only the quantity which it holds when filled to the brim;

(a) 1967, c. 6 (N.I.). (b) S.R. & O. (N.I.) 1969, No. 25.

"measure of an approved pattern" means a measure conforming with a pattern in respect of which a certificate of approval under section 6 of the Act is in force;

"prescribed measure" means any measure prescribed by Regulation 3(1) hereof;

"tip cart measure" means a measure forming part of a cart intended to be drawn by a horse;

and the abbreviations of, and symbols for, units of measurement used in these Regulations refer to the relevant units mentioned in Schedule 1 hereto.

Application and prescription under section 5

3.—(1) These Regulations shall apply to all cubic measures (whether forming part of a vehicle or not) for use for trade in the making of any measurement of ballast and agricultural materials; and such measures are hereby prescribed as equipment to which section 5 of the Act applies.

(2) No measure shall be used to measure such materials in cubic units of the imperial system unless it has been passed as fit for use for trade and is stamped as a measure of a cubic imperial quantity and no measure shall be used to measure such materials in cubic metric units unless it has been so passed and is stamped as a measure of a cubic metric quantity.

Construction, form and sizes of brim measures

4.—(1) Prescribed brim measures shall be constructed to measure only one of the following quantities, namely, $0{\cdot}2m^3$ or a multiple thereof not exceeding $1m^3$ or $\frac{1}{4}$, $\frac{1}{2}$ or 1 cubic yard.

(2) Unless made in accordance with an approved pattern, any such measure shall—

(i) have a smooth and level floor and sides with smooth interiors perpendicular to the floor;

(ii) be constructed of durable materials and be of sufficient thickness or so reinforced as to remain rigid when in use;

(iii) have its adjacent sides set at right angles to each other;

(iv) not have any side shorter than 75 cm, if a metric measure, or 2 feet 3 inches, if an imperial measure; and

(v) if made of a hard metal, have a soft metal plug on the exterior immediately below the brim to accommodate a stamp.

(3) Any such measure shall, if it has detachable sides,—

(i) have on all the component parts a common mark intended to ensure that the correct parts are employed in assembling the measure;

(ii) have a base which projects at least 2·5 cm beyond the sides and is in contact with the lower edges of the sides at all points; and

(iii) be so designed as to preclude incorrect assembly.

Construction, form etc. of other measures

5.—(1) This Regulation shall apply as respects the materials and principles of construction of prescribed measures other than brim measures, tip cart measures or measures of an approved pattern.

(2) A measure to which this Regulation applies shall be sufficiently strong to stand the wear and tear of use and to remain rigid when in use and shall not—

(*a*) have a false bottom;

(*b*) have internal surfaces or projections therefrom which impede its ready discharge;

(*c*) be constructed in a manner which facilitates fraud.

(3) Such a measure shall have four sides and a base and the angles between the sides and the base and between the adjoining sides shall all be 90 degrees except that a measure which has one pair of sides longer than the other may—

(*a*) taper in width by up to 10 per cent.;

(*b*) have its longer sides curved into the base (and the corners of the other sides rounded accordingly) provided that the effect is not to reduce the width of the base to less than three quarters of the width at the top.

(4) Such a measure shall be assembled in a permanent manner so that neither its form nor its volume may be changed in the course of trade; but this requirement shall not preclude any side or sides being so hinged as to swing outwards to facilitate discharge.

Calibration

6. No prescribed measure shall be calibrated to indicate any quantity other than $0{\cdot}2m^3$ or a multiple thereof or $\frac{1}{2}$ cubic yard or a multiple thereof. Such measures (if not brim measures) shall be calibrated to indicate quantities up to and including the maximum purported content as follows:—

(*a*) metric measures of a maximum purported content of less than $4m^3$, as respects $0{\cdot}2m^3$ and every multiple thereof;

(*b*) imperial measures of a maximum purported content of less than 4 cubic yards, as respects $\frac{1}{2}$ cubic yard and every multiple thereof;

(*c*) metric measures of $4m^3$ or more and imperial measures of 4 cubic yards or more, at least as respects every multiple of $1m^3$ and 1 cubic yard respectively which is not less than half the maximum purported content and, where half the maximum purported content is not a whole number of cubic metres or cubic yards, as respects the nearest lower multiple of $1m^3$ or 1 cubic yard, as appropriate.

Calibration strips

7.—(1) Except in the case of measures of an approved pattern and subject to paragraph (10) hereof, calibration shall be effected by marking in the manner described in Regulation 8 a pair of metal strips (hereinafter referred to as "calibration strips").

(2) One calibration strip shall be firmly attached to the interior of each of two opposing sides of the measure in a vertical position near to the centre of the side.

(3) Each calibration strip shall be attached to the measure by bolts or rivets and shall, in addition, have a slot cut into the front to retain the head of a tee-bolt.

(4) A calibration strip indicating metric quantities shall be of truncated triangular cross section; the back shall be at least 35mm wide; the angle between the sides and the back shall be not less than 50 degrees nor more than 70 degrees; and the distance between the front and the back shall be at least 12mm.

(5) A calibration strip indicating imperial quantities shall be of half round cross section and the back shall be at least $1\frac{1}{2}$ ins wide.

(6) A metal sealing box generally conforming with the appropriate pattern depicted in Schedule 2 hereto shall be secured to the exterior of the measure by a nut threaded on to the bolt mentioned in paragraph (3). The sealing box on each calibration strip indicating metric quantities shall have sides about 25mm long and the box on each strip indicating imperial quantities shall be about 2 ins in diameter.

(7) Each sealing box shall be further fixed to the exterior of the measure by at least two screws or pins so as to preclude the rotation of the box.

(8) Every sealing box shall be filled with lead to prevent the removal of the nut or bolt mentioned in paragraph (6).

(9) A measure may serve both as a metric and as an imperial measure but—

(i) separate pairs of calibration strips shall be employed to indicate metric and imperial quantities and one of each pair shall be on the same side of the measure not more than 20 cm apart;

(ii) if the calibration strips are on a vehicle, the strips indicating imperial quantities shall be nearer to the rear or to the offside of the vehicle than the ones indicating metric quantities;

(iii) the measure shall be marked in accordance with Regulation 9(1) as respects both its purported metric and its purported imperial content.

(10) In the case of measures of a purported maximum content of $4\frac{1}{2}$ or $5\frac{1}{2}$ cubic yards, first passed as fit for use for trade before the commencement of these Regulations, the maximum purported content may be indicated by the top of the strips instead of marks.

Marking of calibration strips

8.—(1) Calibrations shall be marked on calibration strips as follows—

(*a*) in the case of a calibration indicating $1m^3$ or a multiple thereof, by horizontal milled recesses at least 3mm wide cut across the full width of both the tapered sides of the strip;

(*b*) in the case of a calibration indicating any other metric quantity, by such a recess cut across the full width of the front of the strip;

(*c*) in the case of a calibration indicating a quantity of 1 cubic yard or a multiple thereof, by two horizontal milled recesses not less than $\frac{1}{8}$ in wide and $\frac{1}{2}$ in long;

(*d*) in the case of a calibration indicating any other imperial quantity, by a horizontal recess not less than $\frac{1}{8}$ in wide and 1 in long cut across the centre of the front of the strip.

(2) The said recesses shall be so cut that the lower edges of the corresponding recesses on the pair of strips are in the same horizontal plane and indicate the quantity held by the measure when filled level with those lower edges.