1969. No. 25 **[C]**

WEIGHTS AND MEASURES

Ballast, Agricultural Liming Materials, etc.

REGULATIONS, DATED 4TH FEBRUARY 1969, 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) and all other powers enabling it in that behalf, hereby makes the following Regulations:—

PART I

GENERAL

Citation and Commencement

1. These Regulations may be cited as the Weights and Measures (Ballast, Agricultural Liming Materials, etc.) Regulations (Northern Ireland) 1969 and shall come into operation on 25th April 1969.

Interpretation

2. In these Regulations:

"the Act" means the Weights and Measures Act (Northern Ireland) 1967;

"the Ministry" means the Ministry of Commerce;

"ballast" means any of the following materials, 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;

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

"agricultural liming materials, etc." means

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

(*b*) agricultural salt;

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

(*d*) any mixture of any of the foregoing.

"brim measure" means any cubic measure the capacity of which does not exceed one cubic yard and which is not a tip-cart measure;

(a) 1967. c. 6 (N.I.).

"common measure" means any cubic measure which is not a brim measure or a tip-cart measure;

"tip-cart measure" means any cubic measure consisting of a receptacle which forms part of a horse-drawn two wheel tip-cart;

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

"authorised modification" means an approved pattern modified in accordance with an authorisation for the time being in force under the said section 6; and

"the prescribed stamp" means the stamp prescribed by the Ministry by Regulations made under the Act.

Application and prescription under section 5

3. 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 liming materials, etc.; and such measures are hereby prescribed as equipment to which section 5 of the Act applies.

PART II

MATERIALS AND PRINCIPLES OF CONSTRUCTION

4.—(1) Subject to paragraph (5) of this Regulation, every measure shall—

(*a*) be made of metal or wood or both metal and wood of sufficient thickness to ensure that the measure shall be rigid when its component parts have been assembled; and, in the case of a brim measure, the base and any side of the measure shall, if it is made of wood, be provided with not less than two external strengthening strips;

(*b*) be so constructed that—

(i) save in the case of a brim measure, it does not contain a false bottom;

(ii) in the case of a brim measure, its internal surfaces are plane and, in the case of any other measure, its internal surface is such as to be incapable of impeding the ready discharge of ballast from the measure.

(2) Subject to paragraph (5) of this Regulation, the component parts of every measure shall be assembled in a permanent manner and so that neither the form nor the capacity of the measure shall be capable of becoming changed in the ordinary course of use for trade:

Provided that—

(*a*) the sides of a common measure may be attached by means of hinges (allowing the side or sides to swing outwards) to the base of the measure or to the top of the ends of the sides thereof adjacent to any side so attached;

(*b*) the sides of a brim measure may be detachable from the base thereof and from each other, subject to compliance with the following conditions:—

(i) every component part of the measure shall bear a common distinguishing mark; and

(ii) the method of attaching the sides of the measure to its base and one to another shall be such as to ensure the correct assembling

of the component parts of the measure, and that the base of the measure when its component parts are so assembled projects for not less than 1 inch beyond the external surface of each of the sides, and that the lower edges of the sides make continuous contact with the base;

(*c*) the side of a tip-cart measure forming the tailboard of the vehicle may be detachable from the vehicle, subject to compliance with the following conditions:—

(i) the tailboard and one of the other sides of the measure shall bear a common distinguishing mark; and

(ii) the method of attaching the tailboard to the vehicle shall be such as to ensure the correct assembling of the tailboard with the base of the measure and the sides thereof adjacent to the tailboard.

(3) Subject to paragraph (5) of this Regulation, every measure (other than a tip-cart measure) shall be of rectangular form and consist of a base with four sides perpendicular to the base:

Provided that, in the case of a common measure—

(*a*) the two longer sides of the measure may be curved into the base, subject to the condition that the width of the base shall not thereby become less than three-quarters of the maximum width of the measure, and in every such case the lower two corners of the other two sides may be rounded off in conformity;

(*b*) the two shorter sides of the measure may differ one from another in width, subject to the condition that the width of one of these sides shall be not less than 90 per cent. of the width of the other side, and in every such case the form of the base may be correspondingly varied.

(4) Subject to paragraph (5) of this Regulation, the internal length, width and depth of a brim measure shall comply with one or other of the following specifications:—

(*a*) length: 1 yard; width: 1 yard; depth: 1 yard; or

(*b*) length: 1 yard; width: 1 yard; depth: 1 foot, six inches; or

(*c*) length: 1 yard; width: 2 feet, 3 inches; depth: 2 feet; or

(*d*) length: 1 yard; width: 1 yard; depth: 9 inches.

(5) Nothing in this Regulation shall apply to any measure which is made in accordance with an approved pattern or with an authorised modification thereof. A brim measure made in accordance with such a pattern, or in accordance with such a pattern as so modified, is hereinafter referred to as "a certificated brim measure".

5.—(1) Every measure, other than a brim measure, shall have its purported value defined by calibration marks on capacity indicators in the manner specified in the Schedule hereto. Two capacity indicators shall be fitted to every such measure and the said indicators shall comply with the requirements of the said Schedule and shall be affixed to the measure in the manner therein specified:

Provided that this paragraph shall not apply to any measure which is made in accordance with an approved pattern or with an authorised modification thereof.

(2) Every brim measure shall have its maximum purported value defined by the brim of the measure.

6.—(1) Every measure shall have its maximum purported value conspicuously, legibly and durably marked upon the outside thereof (and not upon

the bottom or the edges or any handle) in plain block characters not less than one inch in height and half an inch in width, on a plain background and in distinct contrast thereto, and such maximum purported value shall be marked either in full or by means of one of the following abbreviations:—

half cubic yard	½ cu. yd or ½ cub. yd
cubic yard	cu. yd or cub. yd

(2) Every measure which is a receptacle forming part of a vehicle shall be marked as aforesaid upon the left or near side.

PART III

TESTING

7. No measure shall be tested unless it is complete and in a clean condition.

8. For the purposes of the performance by an inspector of his tests, the owner or person in charge of any measure shall, if requested by the inspector, provide for his use such small shingle or stone or granite chips and such assistance in handling, loading, unloading and transferring the same as he may reasonably require.

9. Every tip-cart measure and every common measure shall be tested either—

(*a*) by ascertaining the relevant internal linear dimensions and by calculating, on the basis of the figures thus ascertained, the cubic capacity of the measure up to each plane determined by the lower edge of a primary or secondary calibration mark on one capacity indicator with which the measure is fitted, in conjunction with the lower edge of the corresponding mark on the other capacity indicator; or

(*b*) in any case where the inspector is of the opinion that it is impracticable or inconvenient to test the measure in the aforesaid manner, by filling a brim measure, which has been tested and stamped in accordance with the requirements of these Regulations, with small shingle or stone or granite chips and then transferring the contents thereof into the measure under test; and the measure shall be tested to the lower edge of each primary or secondary calibration mark thereon.

10.—(1) Every brim measure (other than a certificated brim measure) shall be tested by ascertaining the internal length and width of the measure at the top and bottom of each end of each side, and the length or width (as the case may be) of the measure at the top and bottom of the middle of each side, and the internal depth of the measure at each corner and at the middle of each side.

(2) Every certificated brim measure shall be tested either—

(*a*) by filling a brim measure (other than a certificated brim measure), which has been tested and stamped in accordance with the requirements of these Regulations, with small shingle or stone or granite chips and then transferring the contents thereof into the measure under test; or

(*b*) if the inspector thinks fit, by ascertaining the relevant internal dimensions of the measure and by calculating, on the basis of the figures thus ascertained, the cubic capacity of the measure.

11. No measure shall be passed as fit for use for trade if it bears any manufacturer's or maker's mark which, in the opinion of the inspector, might reasonably be mistaken for the prescribed stamp, or if it or any capacity indicator with which it is fitted bears any mark which, in the opinion of the inspector, might reasonably be mistaken for a calibration mark.

12. No measure shall be passed as fit for use for trade unless the inspector is satisfied that—

(*a*) it complies with the appropriate requirements of these Regulations; and

(*b*) the material of which and the principle on which it is constructed is not such as to facilitate the perpetration of fraud; and

(*c*) it is sufficiently strong to withstand the wear and tear of ordinary use in trade.

PART IV

PRESCRIBED LIMITS OF ERROR

13. The prescribed limits of error on the testing of measures shall be in excess only and as follows:—

(*a*) in the case of a brim measure (other than a certificated brim measure), three-eighths of an inch on any single measurement of length, width or depth but not exceeding an average of one-eighth of an inch on all the measurements of length, width or depth, as the case may be;

(*b*) in the case of any other measure, three-quarters of a cubic foot on the first half cubic yard of the measure's capacity and one cubic foot on the first cubic yard of the measure's capacity; and half a cubic foot on each half cubic yard of the measure's capacity exceeding one cubic yard.

PART V

STAMPING

14. Every measure fitted with capacity indicators shall be stamped on the lead filling in the sealing box of each indicator.

15.—(1) Every brim measure constructed of metal shall be stamped on the outside near the brim in a vertical line with the indication of its maximum purported value. Where necessary, such measures shall be provided by the maker with a soft metal plug to receive the stamp.

(2) Every brim measure constructed of wood shall be stamped by means of branding on the outside near the brim in a vertical line with the indication of its maximum purported value.

(3) Every brim measure constructed partly of metal and partly of wood shall either be stamped or branded in accordance with paragraphs (1) or (2), as the case may be, of this Regulation.

PART VI

OBLITERATION OF STAMPS

16. Stamps shall be obliterated by an inspector, in accordance with the requirements of these Regulations, by means of punches or pincers of suitable