1967. No. 231 **[C]**

WEIGHTS AND MEASURES

Egg-Grading Machines

REGULATIONS, DATED 23RD AUGUST 1967, MADE BY THE MINISTRY OF COMMERCE UNDER SECTIONS 5 AND 8 OF THE WEIGHTS AND MEASURES ACT (NORTHERN IRELAND) 1967.

The Ministry of Commerce, in exercise of the powers conferred upon it by sections 5(1) and (3), and 8(1) of the Weights and Measures Act (Northern Ireland) 1967(a) and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the Weights and Measures (Egg-Grading Machines) Regulations (Northern Ireland) 1967 and shall come into operation on 25th October 1967.

Interpretation

2. In these Regulations the following expressions shall have the following meanings respectively:—

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

"the Ministry" means the Ministry of Commerce;

"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;

"the prescribed stamp" means the stamp prescribed by the Ministry by regulations made under the Act; and

"weighing unit" means any single weighing unit which, although forming part of the whole egg-grading machine, is complete in itself.

Application and prescription under section 5

3. These Regulations shall apply to equipment for use for the grading by reference to their weight of hens' eggs in shell which are intended for human consumption (other than equipment designed to determine the actual weight of such eggs), being:—

(*a*) machines (hereinafter referred to as "type A machines") in which:—

(i) each weighing unit is designed to grade eggs into one grade only; and

(ii) at least one weighing unit is designed to grade eggs into one of the grades specified in Schedule 1;

(*b*) machines (hereinafter referred to as "type B machines") in which:—

(i) each weighing unit is designed to grade eggs into more than one grade; and

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

(ii) at least one such grade is a grade specified as aforesaid;

and such machines (hereinafter referred to as "egg-grading machines") are hereby prescribed as equipment to which section 5 of the Act applies.

Testing and passing as fit for use for trade

4.—(1) No egg-grading machine shall be tested unless:—

(*a*) it is complete with all parts and attachments; and

(*b*) in the case of a power-operated machine, it is completely erected ready for use and installed at the place where it is to be used for trade; and

(*c*) it is made in accordance with an approved pattern or an authorised modification thereof; and

(*d*) each tray or other receptacle in the machine into which eggs are deposited on being graded by a weighing unit is clearly and legibly marked to indicate the weight range to which that tray or receptacle relates.

(2) Before testing an egg-grading machine, any counting or marking apparatus comprised in or forming part of the machine may, if the inspector thinks fit, be put out of action.

(3) Every egg-grading machine shall be tested in the appropriate manner specified in Schedule 2.

(4) No egg-grading machine shall be passed as fit for use for trade unless it satisfies the appropriate test specified in the said Schedule.

Stamping

5.—(1) No egg-grading machine shall be stamped unless it incorporates therein a plug or stud of soft metal designed for the reception of the prescribed stamp, such plug or stud being made as nearly as possible irremovable by under-cutting or in some other suitable manner.

(2) No egg-grading machine shall be stamped if it bears any statement or mark which, in the opinion of the inspector—

(*a*) purports to be, or is likely to be misunderstood as or mistaken for an indication of approval or guarantee of its performance or accuracy; or

(*b*) is likely to be misunderstood as or mistaken for a prescribed stamp:

Provided that—

(i) any machine made in accordance with an approved pattern may be marked with the number of the notice of examination issued by the Board of Trade or the Ministry as the case may be, in respect of that pattern preceded by the words "Board of Trade Notice No." or "Ministry of Commerce Notice No." or the abbreviation "B.o.T. Notice No." or "M.o.C. Notice No.";

(ii) any authorised modification to the said approved pattern may be indicated by a statement on the machine denoting the date of the authorisation preceded by the letter "M".

Obliteration of stamps

6.—(1) Subject to paragraph (2) an inspector shall obliterate the stamp on any egg-grading machine—

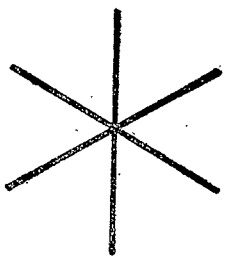
(*a*) the testing of which is prohibited by Regulation 4(1); or

(*b*) the stamping of which is prohibited by Regulation 5(2); or

(*c*) which fails to satisfy the appropriate test specified in Schedule 2.

(2) In any case where the stamp on a machine falls to be obliterated under paragraph (1)(*a*) or (*b*), an inspector may serve upon the person for the time being in possession of that machine for use for trade a notice specifying the grounds on which the testing or stamping, as the case may be, of that machine is prohibited as aforesaid, and requiring him within a specified period not exceeding 28 days to take such steps as may be necessary to remove those grounds; and the inspector shall not obliterate the stamp on those grounds during the said period.

(3) For the purpose of obliterating a stamp, an inspector shall use punches or pincers of a six-pointed star design as shown in the following illustration:—



Sealed with the Official Seal of the Ministry of Commerce for Northern Ireland this 23rd day of August 1967.

(L.S.) *W. L. Robinson,*
Assistant Secretary.