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STATUTORY INSTRUMENTS

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**1981 No. 231**

**Weights and Measures (Northern Ireland) Order 1981**

**PART III**

**WEIGHING AND MEASURING FOR TRADE**

**Meaning of “use for trade”**

5.—(1) For the purposes of this Order, “use for trade” means, subject to paragraph (2), use in connection with, or with a view to, a transaction for—

- (a) the transferring or rendering of money or money's worth in consideration of money or money's worth; or
- (b) the making of a payment in respect of any toll or duty,

where—

- (i) the transaction is by reference to quantity or is a transaction for the purposes of which there is made or implied a statement of the quantity of goods to which the transaction relates; and
- (ii) the use is for the purpose of the determination or statement of that quantity.

(2) Paragraph (1) shall not apply where—

- (a) the determination or statement is a determination or statement of the quantity of goods required for despatch to a destination outside Northern Ireland and any designated country; and
- (b) the transaction is not a sale by retail; and
- (c) no transfer or rendering of money or money's worth is involved other than the passing of the title to the goods and the consideration therefor.

(3) Any such equipment as follows, that is to say—

- (a) any weighing or measuring equipment which is made available for use by the public, whether on payment or otherwise; and
- (b) any equipment which is used for the grading by reference to their weight, for the purposes of trading transactions by reference to that grading, of hens' eggs in shell which are intended for human consumption,

shall be treated for the purposes of this Part as weighing or measuring equipment in use for trade, whether or not it would apart from this paragraph be so treated.

(4) Where any weighing or measuring equipment is found in the possession of any person carrying on trade or on any premises which are used for trade, that person or, as the case may be, the occupier of those premises shall be deemed for the purposes of this Order, unless the contrary is proved, to have that equipment in his possession for use for trade.

**Units of measurement, weights and measures lawful for use for trade**

6.—(1) No person shall—

- (a) use for trade any unit of measurement which is not included in Schedule 2,
  - (b) use for trade, or have in his possession for use for trade, any linear, square, cubic or capacity measure which is not included in Schedule 1, or any weight which is not so included.
- (2) Paragraph (1)(a) shall not apply to the prescribing of, or the dispensing of a prescription for, drugs.

- (3) A person who contravenes—
- (a) this Article, or
  - (b) any provision in Part VI of Schedule 1, or Part VI of Schedule 2,

shall be guilty of an offence, and any measure or weight used, or in any person's possession for use, in contravention of any of these provisions shall be liable to be forfeited.

- (4) Subject to paragraph (5), the Department may by order amend Schedule 1 or 2—
- (a) by adding to or removing from Schedule 1 any linear, square, cubic or capacity measure, or any weight,
  - (b) by adding to or removing from Schedule 2 any unit of measurement,
  - (c) by adding to, varying or removing from Part VI of Schedule 1 or Part VI of Schedule 2 any restriction on the cases or circumstances in which, or the conditions subject to which, a unit of measurement, measure or weight may be used for trade, or possessed for use for trade.

[<sup>F1</sup>(5) Without prejudice to paragraph (4)(c) an order under paragraph (4) shall not remove the pint from Part IV of Schedule 2.]

(6) An order under this Article may contain such transitional or other supplemental or incidental provisions as appear to the Department to be expedient.

- [<sup>F1</sup>(7) This Article has effect subject to—
- (a) paragraph (7A), and
  - (b) Articles 7 and 53.

(7A) Nothing in this Article precludes the use for trade<sup>F2</sup> . . . of any supplementary indication; and for this purpose any indication of quantity ("the imperial indication") is a supplementary indication if—

- (a) it is expressed in a unit of measurement other than a metric unit,
- (b) it accompanies an indication of quantity expressed in a metric unit ("the metric indication") and is not itself authorised for use in the circumstances as a primary indication of quantity, and
- (c) the metric indication is the more prominent, the imperial indication being, in particular, expressed in characters no larger than the metric indication.]

(8) In this Article "unit of measurement" means a unit of measurement of length, area, volume, capacity, mass or weight.

**F1** SR 1995/226

**F2** Words in [art. 6\(7A\)](#) omitted (6.12.2010) by virtue of [Units of Measurement Regulations \(Northern Ireland\) 2010 \(S.R. 2010/365\)](#), [reg. 3](#)

## Dual marking and conversion charts

- 7.—(1) The Department may make regulations—

- (a) requiring or authorising a person who uses a metric unit for trade to afford, for explanatory purposes, information giving the equivalent, in the imperial system, of the relevant quantity in the metric system, and
  - (b) specifying the manner in which the information is to be given, and in particular specifying the cases in which any obligation to give information in metric units is to be extended to include the same information in imperial units.
- (2) The Department may make regulations requiring or authorising the display on premises where metric units are used for trade of conversion tables or other material for converting metric units into imperial units.
- (3) Regulations under this Article—
- (a) may prescribe the form and manner in which any information or other material is to be given or displayed,
  - (b) may prescribe appropriate conversion factors by reference to which, in prescribed cases or circumstances, an amount expressed in imperial units is to be treated as equivalent to a given amount expressed in metric units,
  - (c) may prescribe the persons to whom, and the cases and circumstances in which, the regulations apply,
  - (d) may contain such consequential, incidental or supplementary provisions as appear to the Department to be expedient.
- (4) A person contravening regulations made under this Article shall be guilty of an offence.
- (5) In this Article “unit” in the expressions “metric unit” and “imperial unit” means any unit of measurement of length, area, volume, capacity, mass or weight.
- (6) Regulations under this Article imposing obligations apply whether or not the relevant imperial unit may lawfully be used for trade, and regulations authorising, but not requiring, anything to be done authorise it to be done notwithstanding that the relevant imperial unit may not be lawfully used for trade, but do not in any other respect authorise what is unlawful.

### **Multiples and fractions of units**

- 8.—(1) Save as may be prescribed and subject to any regulations made under Article 13—
- (a) a linear measure specified in Part I of Schedule 1 may be marked in whole or in part with divisions and subdivisions representing any shorter length or lengths;
  - (b) no capacity measure specified in Part IV of Schedule 1 shall be used for trade by means of any division or subdivision marked thereon as a capacity measure of any lesser quantity.
- (2) Any person who contravenes paragraph (1)(b) shall be guilty of an offence, and any measure used, or in any person's possession for use, in contravention of that sub-paragraph shall be liable to be forfeited.
- (3) The Department may by regulations prescribe what may be treated for the purposes of use for trade as the equivalent of, or of any multiple or fraction of, any unit of measurement included in<sup>F3</sup> Schedule 1 to the Act of 1985] in terms of any other such unit, so however that the Department shall not by any such regulations prescribe an equivalent of, or of any multiple or fraction of, any unit of measurement which is inconsistent with any equivalent of that unit, multiple or fraction for the time being prescribed by regulations under<sup>F3</sup> section 10(3) of the Act of 1985].
- (4) Nothing in any regulations under paragraph (3) shall apply to any transaction in drugs.
- (5) The Department of Health and Social Services may by regulations, which shall have effect notwithstanding anything in, or in any instrument made under, any other enactment—

- (a) prescribe what may be treated for the purposes of dealings with drugs as the equivalent of, or of any multiple or fraction of, any unit of measurement<sup>F3</sup> which is included in Schedule 1 to the Act of 1985 or was on 25th October 1967 included in Schedule 1 to the Weights and Measures Act 1963] in terms of any other such unit;
- (b) require that any person carrying out any such dealing with drugs as is specified in the regulations for the purposes of which the quantity of the drugs is expressed in terms of any such unit as aforesaid which is so specified shall carry out that dealing in terms of such equivalent quantity prescribed under sub-paragraph ( a) as is so specified.

**F3** 1985 c. 72

### **Weighing or measuring equipment for use for trade**

**9.—(1)** The provisions of this Article shall apply to the use for trade of weighing or measuring equipment of such classes or descriptions as may be prescribed.

(2) No person shall use any article for trade as equipment to which this Article applies, or have any article in his possession for such use, unless that article, or equipment to which this Article applies in which that article is incorporated or to the operation of which the use of that article is incidental, has been passed by an inspector<sup>F4</sup> or approved verifier] as fit for such use and, except as otherwise expressly provided by or under this Order, bears a stamp indicating that it has been so passed which remains undefaced otherwise than by reason of fair wear and tear; and if any person contravenes this paragraph, he shall be guilty of an offence and any article in respect of which the offence was committed shall be liable to be forfeited.

(3) Any person requiring any equipment to which this Article applies to be passed<sup>F4</sup> by an inspector] as fit for use for trade shall submit the equipment to<sup>F4</sup> the inspector] in such manner as the Department may direct and, subject to the provisions of this Order and of any regulations made under Article 13 and to the payment by that person of the prescribed fee, the inspector shall—

- (a) test the equipment by means of such Northern Ireland local standards or such Northern Ireland working standards and such testing equipment as he considers appropriate or, subject to any conditions which may be prescribed, by means of other equipment which has already been tested and which the inspector considers suitable for the purpose; and
- (b) if the equipment submitted falls within such limits of error as may be prescribed, except as otherwise expressly provided by or under this Order, cause it to be stamped with the prescribed stamp; and
- (c) if the equipment submitted falls within such limits of error as may be prescribed, and by virtue of paragraph (7) is not required to be stamped as mentioned in sub-paragraph ( b), give to the person submitting it a statement in writing to the effect that it is passed as aforesaid;

and each inspector shall keep a record of every such test carried out by him.

<sup>F4</sup>(3A) An approved verifier may (subject to the provisions of this Order, to any regulation under Article 13 and to any conditions included in his approval)—

- (a) test any equipment to which this Article applies by means of other equipment which has already been tested and which the verifier considers suitable for the purpose;
- (b) if the equipment being tested falls within such limits of error as may be prescribed, except as otherwise expressly provided by or under this Order, stamp it with the prescribed stamp; and

- (c) if the equipment being tested falls within such limits of error as may be prescribed, and by virtue of paragraph (7) is not required to be stamped as mentioned in sub-paragraph (b), make a statement in writing to the effect that it is passed fit for use for trade.]

[<sup>F4</sup>(3B) In this Order “approved verifier”, in relation to weighing or measuring equipment of any class or description, means a person who-

- (a) is for the time being approved under Article 9A in relation to the testing, passing and stamping of weighing or measuring equipment of that class or description; or
- (b) is for the time being approved under the corresponding provisions of the law of Great Britain in relation to the testing, passing and stamping of weighing or measuring equipment of a similar class or description.]

(4) Except as otherwise expressly provided by or under this Order, no weight or measure shall be stamped as mentioned in [<sup>F4</sup> paragraph (3)(b) or (3A)(b)] unless it has been marked in the prescribed manner with its purported value.

(5) Subject to paragraph (6), where any equipment submitted to an inspector under paragraph (3) is of a pattern in respect of which a certificate of approval granted under Article 10 is for the time being in force, the inspector shall not refuse to pass or stamp the equipment on the ground that it is not suitable for use for trade.

(6) If the inspector is of opinion that the equipment is intended for use for trade for a particular purpose for which it is not suitable, he may refuse to pass or stamp it until the matter has been referred to the Department and it has been established to the satisfaction of the Department that the equipment is suitable for the purpose for which it is intended.

(7) The requirements of paragraphs (2) to (4) with respect to stamping and marking shall not apply to any weight or measure which is too small to be stamped or marked in accordance with those requirements.

(8) Where a person submits equipment to an inspector under this Article, the inspector may require the person to provide the inspector with such assistance in connection with the testing of the equipment as the inspector reasonably considers it necessary for the person to provide and shall not be obliged to proceed with the test until the person provides it; but a failure to provide the assistance shall not constitute an offence under Article 42.

(9) If an inspector refuses to pass as fit for use for trade any equipment submitted to him under this Article and is requested by the person by whom the equipment was submitted to give reasons for the refusal, the inspector shall give to that person a statement of those reasons in writing.

(10) In the case of any equipment which is required by regulations made under Article 13 to be passed and stamped under this Article only after it has been installed at the place where it is to be used for trade, if after the equipment has been so passed and stamped it is dismantled and reinstalled, whether in the same or some other place, it shall not be used for trade after being so reinstalled until it has again been passed under this Article.

(11) If any person—

- (a) knowingly uses that equipment in contravention of paragraph (10), or
- (b) knowingly causes or permits any other person so to use it, or
- (c) knowing that the equipment is required by virtue of paragraph (10) to be again so passed disposes of it to some other person without informing him of that requirement,

he shall be guilty of an offence and the equipment shall be liable to be forfeited.

(12) Any equipment to which this Article applies which has been duly stamped before 25th October 1967 under any enactment repealed by the Weights and Measures Act (Northern Ireland) 1967 shall be treated for the purposes of this Order as if it had been duly stamped under this Article.

(13) If at any time the Department is satisfied that, having regard to the law for the time being in force in, or in any part of, Great Britain, any of the Channel Islands or the Isle of Man, it is proper so to do, the Department may by order provide for any equipment to which this Article applies duly stamped in accordance with that law, or treated for the purposes of that law as if duly stamped in accordance with that law, to be treated for the purposes of this Order as if it had been duly stamped in Northern Ireland under this Article.

**F4** 2000 c. 5(NI)

#### [<sup>F5</sup>Approval of persons to verify equipment manufactured etc. by them

**9A.**—(1) Paragraph (2) applies where, as regards a person who carries on business (whether in Northern Ireland or elsewhere) as a manufacturer, installer or repairer of equipment to which Article 9 applies, the Department—

- (a) is satisfied that the person would, if approved under this Article, satisfy the requirements set out in Part II of Schedule 2A; and
  - (b) considers the person a fit and proper person to be so approved.
- (2) The Department may approve the person for the purpose of—
- (a) testing any equipment to which Article 9 applies and which is manufactured, installed or repaired by him;
  - (b) passing any such equipment as fit for use for trade; and
  - (c) stamping any such equipment with the prescribed stamp.

(3) Before granting an approval under this Article, the Department may carry out such audits and inspections of the person's systems and procedures as it considers necessary to establish that the conditions of the approval would be observed.

(4) Schedule 2A (which relates to approvals under this Article and matters connected with such approvals) shall have effect.

(5) In this Schedule “approval” means an approval under this Article and “the verifier”, in relation to such an approval, shall be construed accordingly.]

**F5** 2000 c. 5(NI)

#### [<sup>F6</sup>Testing by official EEA testers

**9B.**—(1) This Article applies where—

- (a) any equipment which has been tested by an official EEA tester is at any time submitted to an inspector under Article 9(3);
  - (b) the test report of the official EEA tester is submitted to the inspector at that time; and
  - (c) that report states which tests have been applied to the equipment and sets out the results of those tests.
- (2) Article 9 shall have effects as if—
- (a) sub-paragraph (a) of paragraph (3) required the inspector not to test the equipment in the manner mentioned in that sub-paragraph; and
  - (b) sub-paragraph (b) and (c) of that paragraph required him to rely, for the purposes of those sub-paragraphs, on the test report of the official EEA tester.

(3) In this Article “official EEA tester”, in relation to the testing of equipment of any description, means a person who, at the time when the tests were applied—

- (a) had responsibility in an EEA State for the metrological control of equipment of that description; or
- (b) was accredited in an EEA State as a person operating a laboratory, in conformity with the criteria set out in the applicable European Standard, for the purpose of testing equipment of that description.

(4) In paragraph (3) “EEA State” means a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993.]

F6 2000 c. 5(NI)

### **Approved patterns of equipment for use for trade**

**10.**—(1) Where any pattern of weighing or measuring equipment is submitted to the Department for the purpose by any person in such manner as may be prescribed, the Department shall examine in such manner as it thinks fit the suitability for use for trade of equipment of that pattern, having regard in particular to the principle, materials and methods used or proposed to be used in its construction, and if the Department is satisfied that such equipment is suitable for use for trade, then, subject to Article 12(2), it shall issue a certificate of approval of that pattern and cause particulars of the pattern to be published.

(2) Paragraph (1) applies to a pattern consisting of an approved pattern with modifications as it applies to other patterns, and in this paragraph “approved pattern” means a pattern in respect of which a certificate of approval under paragraph (1) is in force.

(3) A certificate of approval under paragraph (1) may be granted or renewed subject to such conditions as the Department thinks fit; and if any person—

- (a) knowing that a condition other than a condition mentioned in Article 11(1)( b) has been imposed with respect to any equipment, uses, or causes or permits any other person to use, that equipment in contravention of that condition; or
- (b) knowing that any condition has been imposed with respect to any equipment, disposes of that equipment to any other person in a state in which it could be used for trade without informing that other person of that condition,

he shall be guilty of an offence and the equipment shall be liable to be forfeited.

(4) The Department, after consultation with such persons as appear to the Department to be interested, may at any time revoke any certificate granted under this Article, and shall cause notice of any such revocation to be published; and where the Department so revokes any certificate, then if any person, knowing that the certificate has been revoked, and save as may be permitted by any fresh certificate granted in respect of it—

- (a) uses for trade, or has in his possession for such use; or
- (b) causes or permits any other person so to use, any equipment of the pattern in question; or
- (c) disposes of any such equipment to any other person in a state in which it could be so used without informing that other person of the revocation;

he shall be guilty of an offence and the equipment shall be liable to be forfeited.

(5) The provisions of paragraph (4) relating to offences and forfeiture shall not apply in consequence of the revocation of a certificate of approval if the notice of the revocation published under that paragraph states that instead of those provisions the provisions of Article 11(4) are to apply in consequence of the revocation.

(6) Any equipment of a pattern in respect of which a certificate of approval has been granted under this Article may, and in such cases as may be prescribed shall, be marked in the prescribed manner so as to identify it with the pattern in question.

(7) A certificate granted under section 6 of the Weights and Measures Act 1904 in respect of any pattern of weighing or measuring equipment shall be deemed for the purposes of this Order to be a certificate of approval of that pattern granted under this Article.

(8) If the Department by notice published in the Belfast Gazette so directs, a certificate granted or deemed to have been granted by the Secretary of State in respect of any pattern of weighing or measuring equipment for the purposes of section 12 of the<sup>F7</sup> Act of 1985] shall be deemed, or shall cease to be deemed, for the purposes of this Order to be a certificate of approval of that pattern or, as the case may be, granted and published under this Article; and

- (a) where a certificate such as is first-mentioned was granted subject to a condition corresponding to a condition which may be imposed under paragraph (3), that paragraph shall apply as if the condition had been imposed under that paragraph; and
- (b) where either a certificate such as is first-mentioned at any time ceases to be deemed to be a certificate granted under this Article, paragraph (4) shall have effect as if it had then been revoked.

<b>F7</b> 1985 c. 72
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### Provisions supplementary to Article 10

**11.—**(1) A certificate of approval under Article 10—

- (a) shall, unless previously revoked and subject to sub-paragraph (b), cease to have effect on the expiration of the period of ten years beginning with the date when it was granted or last renewed;
- (b) may, without prejudice to the generality of Article 10(3), be granted or renewed subject to a condition under which it ceases to be in force on the expiration of a specified period of less than ten years; and
- (c) may be renewed by the Department on an application made in such manner and during such period as may be prescribed and on payment of an amount ascertained in such manner as the Department may determine with the approval of the Department of Finance.

(2) Where such an application as is mentioned in paragraph (1)(c) is made for the renewal of a certificate mentioned in that paragraph, the certificate shall continue in force until the Department gives to the applicant, in such manner as may be prescribed, notice of the Department's decision with respect to the application.

(3) Where a person submits a pattern of equipment to the Department under Article 10(1) the Department may—

- (a) require the person to provide such assistance as the Department thinks fit in connection with the examination in question and shall not be obliged to proceed with the examination until the person provides it;
- (b) require the person to pay in respect of the examination a fee of an amount ascertained as mentioned in paragraph (1)(c);
- (c) if satisfied that equipment of that pattern is suitable for use for trade require the person to deposit with the Department parts of equipment of that pattern or a model or drawings of such equipment or parts of it and withhold a certificate of approval of the pattern or, as the case may be, a declaration in pursuance of Article 12(2) in respect of the pattern until the person complies with the requirement.



(4) Where a certificate of approval under Article 10(1) ceases to have effect by the effluxion of time or by virtue of a notice under paragraph (2) of this Article or is revoked in a case falling within Article 10(5), then—

- (a) the certificate shall continue in force in relation to any equipment of the pattern in question which was used for trade at a time when the certificate was in force otherwise than by virtue of this paragraph; but
- (b) if a person—
  - (i) knows that the certificate has so ceased to have effect or been so revoked, and
  - (ii) supplies to another person equipment of that pattern which is marked with a stamp and which was not used for trade at such a time,

he shall be guilty of an offence and the equipment supplied shall be liable to be forfeited.

(5) Each of the following instruments, namely—

- (a) a certificate of approval granted under Article 10 and in force immediately before 4th April 1979; and
- (b) an authorisation of modifications so granted and in force; and
- (c) a certificate which is deemed by virtue of Article 10(7) to be a certificate of approval so granted and is in force as mentioned in sub-paragraph ( a ),

shall have effect on and after 4th April 1979 as if it were a certificate of approval so granted on that date and, in the case of a certificate of approval actually granted subject to a condition relating to a specified period, as if that condition were imposed by virtue of paragraph (1)( b ) and provided for the certificate to cease to be in force on the expiration of a period equal to that period and beginning with the day when the certificate was actually granted.

(6) The power conferred by Article 10(4) to revoke a certificate of approval of a pattern shall, in the case of a certificate in respect of which an authorisation of modifications has effect by virtue of paragraph (5) of this Article as if it were a further certificate of approval, include power to revoke the first-mentioned certificate as it has effect apart from the modifications without revoking it as it has effect with the modifications.

(7) It is hereby declared that Article 10(4) and the provisions of Article 10(3) relating to offences and forfeiture apply to a certificate continued in force by virtue of paragraph (4)( a ).

### **General specifications of equipment for use for trade**

**12.**—(1) The Department may by regulations prescribe general specifications for the construction of equipment to which Article 9 applies and, subject to paragraph (4), while any such specification is for the time being so prescribed no equipment which does not conform with it shall be passed or stamped by an inspector<sup>[F8</sup> or approved verifier] under Article 9 unless it is of a pattern in respect of which a certificate of approval under Article 10 is in force.

(2) If the Department is satisfied that any pattern submitted to it under paragraph (1) of Article 10 conforms to any general specification for the time being prescribed under this Article, it may, instead of issuing a certificate of approval under that paragraph, publish in the Belfast Gazette a declaration to that effect.

(3) Where any specification prescribed by (3) regulations under this Article is varied or revoked by further regulations under this Article, then if any person uses for trade, or has in his possession for such use, or causes or permits any other person so to use, any equipment which conformed to that specification but which to his knowledge no longer conforms to any specification so prescribed, or disposes of any such equipment to any other person in a state in which it could be so used without informing that other person that it no longer conforms, he shall be guilty of an offence and the equipment shall be liable to be forfeited.

(4) Where, in the case of any particular equipment, it appears to the Department that there are special circumstances which make it impracticable or unnecessary for that equipment to comply with any particular requirement of any specification prescribed under this Article, the Department may exempt that equipment from that requirement subject to compliance with such conditions, if any, as it thinks fit; and if any person knowingly contravenes any condition imposed with respect to any equipment by virtue of this paragraph, he shall be guilty of an offence and the equipment shall be liable to be forfeited.

(5) Regulations made under this Article may direct that general specifications prescribed by the Secretary of State under<sup>F9</sup> section 14 of the Act of 1985] shall apply to Northern Ireland as if they were prescribed under paragraph (1), and any reference in this Order to specifications prescribed under this Article shall include a reference to specifications so applied.

**F8** 2000 c. 5(NI)

**F9** 1985 c. 72

### Regulations relating to weighing or measuring for trade

**13.**—(1) The Department may make regulations with respect to—

- (a) the materials and principles of construction of weighing or measuring equipment for use for trade;
- (b) the inspection, testing, passing as fit for use for trade and stamping of such equipment, including—
  - (i) the prohibition of the stamping of such equipment in such circumstances as may be specified in the regulations;
  - (ii) the circumstances in which an inspector may remove or detain any such equipment for inspection or testing;
  - (iii) the marking of any such equipment found unfit for use for trade;
- (c) the circumstances in which, conditions under which and manner in which stamps may be destroyed, obliterated or defaced;
- (d) where any stamp on weighing or measuring equipment is lawfully destroyed, obliterated or defaced, the circumstances in which, and conditions subject to which, the equipment may be used for trade without contravening Article 9(2);
- (e) the purposes for which particular types of weighing or measuring equipment may be used for trade;
- (f) the manner of erection or use of weighing or measuring equipment used for trade;
- (g) the abbreviations of or symbols for units of measurement which may be used for trade;
- (h) the manner in which the tare weight of road vehicles, or of road vehicles of any particular class or description, is to be determined;

and, subject to paragraph (3), if any person contravenes any regulation made by virtue of subparagraph ( e), ( f), ( g) or ( h), he shall be guilty of an offence, and any weighing or measuring equipment in respect of which the contravention was committed shall be liable to be forfeited.

(2) Regulations under paragraph (1) with respect to the testing of equipment may provide—

- (a) that where a group of items of equipment of the same kind is submitted for testing and prescribed conditions are satisfied with respect to the group, the testing may be confined to a number of items determined by or under the regulations and selected in the prescribed manner; and

(b) that if items so selected satisfy the test other items in the group shall be treated as having satisfied it.

(3) Where in the special circumstances of any particular case it appears to be impracticable or unnecessary that any requirement of any regulations made under this Article should be complied with, the Department may, by an authorisation in writing, dispense with the observance of that requirement.

(4) Where an authorisation under paragraph (3) is granted subject to conditions, any person who knowingly contravenes any condition imposed by the authorisation with respect to any equipment shall be guilty of an offence and the equipment shall be liable to be forfeited.

### **[<sup>F10</sup>Pre-test stamping by certain manufacturers**

**13A.**—(1) Subject to paragraph (2), an approved verifier who is the manufacturer of any equipment to which Article 9 applies may apply the prescribed stamp to the equipment, notwithstanding that it has not been passed as fit for use for trade, if he is satisfied on reasonable grounds that it will not be used (whether for trade or otherwise) unless either—

- (a) the equipment has been passed as fit for use for trade; or
- (b) the stamp has been destroyed, obliterated or defaced.

(2) A prescribed stamp shall not be applied under paragraph (1) unless the stamp includes the approved verifier's number.

(3) If any person contravenes paragraph (2), he shall be guilty of an offence and any equipment in respect of which the offence was committed shall be liable to be forfeited.

(4) A prescribed stamp which has been duly applied to any equipment under paragraph (1) shall have effect as follows—

- (a) at any time before the equipment is passed as fit for use for trade, as an indication that, at the time when the stamp was applied, the approved verifier was satisfied as mentioned in paragraph (1); and
- (b) at any time after the equipment is so passed, as evidence of the passing of the equipment as fit for such use.

(5) Where equipment to which a prescribed stamp has been duly applied under paragraph (1) is passed as fit for use for trade, nothing in Article 9(3) or (3A)(b) shall require another such stamp to be applied to it.

(6) Where the approved verifier fails to pass as fit for use for trade equipment to which a prescribed stamp has been applied under paragraph (1), he may destroy, obliterate or deface the stamp—

- (a) in any case where there is a prescribed manner of doing so, in that manner; and
- (b) in any other case, in such reasonable manner as will leave no doubt that the stamp has been intentionally destroyed, obliterated or defaced.

(7) References in paragraphs (4) to (6) prescribed stamps which have been applied do not include references to such stamps which have subsequently been destroyed, obliterated or defaced.]

**F10** 2000 c. 5(NI)

### **Offences in connection with stamping of equipment**

**14.**—(1) Any person who in the case of any weighing or measuring equipment used or intended to be used for trade—

- (a) not being an inspector<sup>F11</sup> or approved verifier] or a person acting under the instructions of an inspector<sup>F11</sup> or approved verifier], marks in any manner any plug or seal used or designed for use for the reception of a stamp; or
- (b) forges, counterfeits or, except as permitted by or under this Order, in any way alters or defaces any stamp; or
- (c) removes any stamp and replaces it or inserts it into any other such equipment; or
- (d) makes any alteration in the equipment after it has been stamped such as to make it false or unjust; or
- (e) severs or otherwise tampers with any wire, cord or other thing by means of which a stamp is attached to the equipment;

shall be guilty of an offence.

(2) Sub-paragraphs (a) and (b) of paragraph (1) shall not apply to the destruction or obliteration of any stamp, plug or seal, and sub-paragraph (e) of that paragraph shall not apply to anything done, in the course of the adjustment or repair of weighing or measuring equipment, by, or by the duly authorised agent of, a person who is a manufacturer of, or regularly engaged in the business of repairing, such equipment.

(3) Any person who uses for trade, sells, or exposes or offers for sale any weighing or measuring equipment which to his knowledge—

- (a) bears a stamp which is a forgery or counterfeit, or which has been transferred from other equipment, or which has been altered or defaced otherwise than as permitted by or under this Order; or
- (b) is false or unjust as the result of an alteration made in the equipment after it has been stamped,

shall be guilty of an offence.

(4) Any weighing or measuring equipment in respect of which an offence under this Article is committed, and any stamp or stamping implement used in the commission of the offence, shall be liable to be forfeited.

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### **Other offences in connection with equipment**

**15.**—(1) If any person uses for trade, or has in his possession for use for trade, any weighing or measuring equipment which is false or unjust, he shall be guilty of an offence and the equipment shall be liable to be forfeited.

(2) Without prejudice to the liability of any equipment to be forfeited, it shall be a defence for any person charged with an offence under paragraph (1) in respect of the use for trade of any equipment to show—

- (a) that he used the equipment only in the course of his employment by some other person; and
- (b) that he neither knew, nor might reasonably have been expected to know, nor had any reason to suspect, the equipment to be false or unjust.

(3) If any fraud is committed in the using of any weighing or measuring equipment for trade, the person committing the fraud and any other person party thereto shall be guilty of an offence and the equipment shall be liable to be forfeited.

**Changes to legislation:**

There are currently no known outstanding effects for the Weights and Measures (Northern Ireland) Order 1981, PART III.