

2005 No. 472

WEIGHTS AND MEASURES

**Measuring Equipment (Liquid Fuel and Lubricants)
(Amendment) Regulations (Northern Ireland) 2005**

Made - - - - - 28th October 2005

Coming into operation 5th December 2005

The Department of Enterprise, Trade and Investment^(a) in exercise of the powers conferred by Articles 9(1) and (3) and 13(1) of the Weights and Measures (Northern Ireland) Order 1981^(b) and now vested in it^(c) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Measuring Equipment (Liquid Fuel and Lubricants) (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 5th December 2005.

Amendment of the Measuring Equipment (Liquid Fuel and Lubricants) Regulations (Northern Ireland) 1998

2. The Measuring Equipment (Liquid Fuel and Lubricants) Regulations (Northern Ireland) 1998^(d) shall be amended as provided in regulations 3 to 11.

Sales indicators

3. For regulation 5 there shall be substituted the following regulation –

“Sales indicators

5. Every individual sales indicator fitted to measuring equipment shall be so arranged that the indicator reading –

- (a) is capable of being set to zero before a delivery commences;
- (b) remains at zero until liquid fuel starts to emerge from the equipment; and
- (c) cannot be advanced by any means other than by the proper operation of the equipment.”.

Indication of product delivered

4. After regulation 5 there shall be added the following regulation –

(a) Formerly the Department of Economic Development; *see* S.I. 1999/283 (N.I. 1) Art. 3(5)
(b) S.I. 1981/231 (N.I. 10) as amended by 2000 c. 5 (N.I.)
(c) By S.I. 1982/846 (N.I. 11) Art. 4
(d) S.R. 1998 No. 113 as amended by S.R. 2002 No. 71 and S.R. 2003 No. 422

“Indication of product delivered

5A.—(1) Subject to paragraphs (3) and (4), any measuring equipment which delivers a product –

- (a) the composition of which is in accordance with a British Standard of the British Standards Institution listed in column 3 of the table set out below; or
- (b) which is represented (whether by an indication marked on or referable to the instrument or otherwise) by the seller to be a product listed in column 1 of that table,

shall when in use for trade be marked with the name of that product as it appears in column 1 and the number of the relevant British Standard as it appears in column 2.

TABLE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Product</i>	<i>Number</i>	<i>Title of British Standard</i>
Unleaded petrol	BS EN 228: 2004	BS EN 228: 2004 ‘Automotive fuels . Unleaded petrol. Requirements and test methods.’ ISBN 0 580 441180
High octane (super) unleaded petrol	BS 7800: 2000	BS 7800: 2000 ‘Automotive fuels . High octane (super) unleaded petrol. Specification.’ ISBN 0580 33226 8
Diesel	BS EN 590: 2004	BS EN 590: 2004 ‘Automotive fuels . Diesel. Requirements and test methods.’ ISBN 0 580 441199
Leaded petrol	BS 4040: 2001	BS 4040: 2001 ‘Specification for leaded petrol (gasoline) for motor vehicles.’ ISBN 0 580 332977

(2) Subject to paragraphs (3) and (4), any measuring equipment which delivers a product other than a product listed in the above table shall be marked with an indication of the product delivered which is sufficiently clear to enable the buyer to identify the product.

(3) This regulation applies –

- (a) on and after (date of coming into operation) to measuring equipment first passed as fit for use for trade on and after that date; and
- (b) on and after (exactly one year after the date of coming into operation) to measuring equipment first passed as fit for use for trade before (date of coming into operation).

(4) This regulation does not apply to any equipment used in the absence of the buyer.”.

Markings on equipment

5. In regulation 7(b), between “measuring equipment referring to the method of operation or to the” and “quantity of liquid fuel delivered” there shall be inserted the words “product or to the”.

Relaxation of requirement to test at low flow rate

6.—(1) In regulation 8A(3) –

- (a) for the words “In all cases the” at the beginning there shall be substituted the word “The”; and
- (b) after the words “paragraph (2) shall” there shall be inserted “subject to paragraph (4)”.

(2) After regulation 8(A)(3) there shall be added the following paragraph –

“(4) In the case of a 20 litre test delivery pursuant to paragraph (2), only one delivery need be taken at the highest flow rate, and accordingly a low flow rate delivery, whilst not required, may be taken if the inspector considers it appropriate.”.

Prescribed limits of error

7. For paragraph 5 of regulation 15 there shall be substituted the following paragraph –

“(5) On the testing of any measuring equipment fitted with a price computing device, the difference between –

- (a) the price indicated by that device; and
- (b) the price computed on the basis of the unit price and of –
 - (i) the quantity indicated for test purposes; or
 - (ii) where the equipment is incapable of indicating the quantity for test purposes, the quantity indicated for use for trade,

shall not exceed the price of the quantity equal to the error in deficiency set out in Table 2 in relation to passing as fit for use for trade having regard to the dynamic viscosity of the test liquid employed; provided that the difference need not be less than the lowest value coin in circulation in the country or territory in which the equipment is used or intended to be used.”.

Inspector to attach test report

8. After regulation 15, there shall be added the following regulation –

“Inspector to attach test report

15A.—(1) Without prejudice to the duty of the inspector, pursuant to Article 9(3) of the Order, to keep a record of every test carried out by him, where measuring equipment is tested by an inspector at the place of its manufacture or assembly or at testing premises, the inspector shall in addition attach securely to the inside of the measuring equipment a copy of the test record.

(2) The test record shall include at least the following particulars –

- (a) the certification number of the certificate of approval;
- (b) a list of the components of the measuring equipment;
- (c) details of the testing procedures carried out;
- (d) details of the test liquid used;
- (e) the test results; and
- (f) the inspector’s name and identification number.

(3) In this regulation “testing premises” has the same meaning as it has in regulation 10.”.

Measuring equipment imported from an EEA State

9. For regulation 16 there shall be substituted the following regulation –

“16.—(1) In relation to measuring equipment imported into Northern Ireland from an EEA State whether directly or indirectly through Great Britain, subject to paragraph (4), an inspector shall not carry out any test in accordance with the foregoing provisions of this Part if, together with the measuring equipment being imported, he is presented with the requisite documentation.

(2) In this regulation and in regulation 17(2) –

- (a) “requisite documentation” means –
 - (i) the test report of an approved body that the measuring equipment which is the subject of that report has been tested on the same basis as those set out in these Regulations and stating which tests have been applied to it; and
 - (ii) the test results relating to those tests; and
- (b) “EEA State” means a State which is a Contracting Party to the EEA Agreement other than the United Kingdom and in this paragraph “the EEA Agreement” means 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.

(3) A body is an “approved body” for the purposes of this regulation if it is a body in an EEA State which has the responsibility in that State for metrological control of measuring equipment or is a laboratory which has been accredited in an EEA State as being a body which conforms with the criteria set out in EN 45001.

(4) Nothing in these Regulations shall prevent an inspector testing in accordance with the foregoing provisions of this Part where he is not satisfied –

- (a) as to the authenticity of the test report or the results presented to him; or
- (b) that the test results presented to him are results which in fact relate to the measuring equipment being imported; or
- (c) either –
 - (i) that the measuring equipment being imported has not been dismantled after the tests to which the test report relates were carried out, or
 - (ii) where the measuring equipment being imported has been dismantled after those tests were carried out, that any such dismantling is not likely to have affected its performance.”.

10. In regulation 17(2), the words “ another member State or” shall be omitted.

Revocation of regulation 24

11. Regulation 24 shall be revoked.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 28th October 2005.

(L.S.)

M. Bohill

A senior officer of the Department of Enterprise, Trade and Investment

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Measuring Equipment (Liquid Fuel and Lubricants) Regulations (Northern Ireland) 1998 (the “1998 Regulations”).

The Regulations prescribe the tests an inspector of weights and measures shall apply to measuring equipment with a view to passing it as fit for use for trade and stamping it.

The Regulations also make a number of other minor amendments.

The Regulations have been notified to the European Commission pursuant to Directive 98/34/EC (O.J. No. L204, 21.7.98, p. 37) as amended by Directive 98/48/EC (O.J. No. L217, 5.8.98, p. 18).