
STATUTORY INSTRUMENTS

1995 No. 1014

The Measuring Equipment (Liquid Fuel and Lubricants) Regulations 1995

PRELIMINARY

Citation, commencement, interpretation and revocation

1.—(1) These Regulations may be cited as the Measuring Equipment (Liquid Fuel and Lubricants) Regulations 1995 and shall come into force on 4th May 1995.

(2) In these Regulations—

“the Act” means the Weights and Measures Act 1985;

“certificate of approval” means a certificate of approval of a pattern of measuring equipment granted or renewed by the Secretary of State under section 12 of the Act;

“digital” means capable of assigning only certain discrete values or positions within a continuous range by a series of discontinuous steps;

“liquid fuel” includes liquid fuel, lubricants and any mixture of liquid fuel and lubricants;

“measuring equipment” means any measuring equipment, other than a capacity measure, including a measuring device, ancillary equipment associated with it and any other equipment physically or otherwise connected to it whether or not such equipment has been connected to ensure correct measurement or is intended to facilitate operation of the measuring device and ancillary equipment;

“minimum delivery” means the smallest quantity of liquid fuel which the measuring equipment is designed to measure;

“notice of examination” means a notice of examination giving particulars of a pattern caused to be published by the Secretary of State;

“pattern” has the meaning set out in regulation 4(1) below;

“prescribed limits of error” has the meaning set out in regulation 17 below;

“the stamp” means the prescribed stamp⁽¹⁾; and

“test liquid” shall be construed in accordance with regulation 10.

(3) The abbreviations of units of measurement used in these Regulations refer to the relevant units as follows—

litre	L
millilitre	mL
millimetre	mm
millipascal second	mPa.s.

(1) See S.I.1968/1615.

(4) The Measuring Equipment (Liquid Fuel and Lubricants) Regulations 1988(2) are hereby revoked.

Application

2.—(1) Subject to paragraph (2) below, these Regulations shall apply to all measuring equipment for use for trade in the making of any measurement of liquid fuel in a quantity not exceeding 20 gallons if it is constructed to measure in imperial units, or 100 L if it is constructed to measure in metric units, other than equipment for use for trade in the making of any measurement of liquefied petroleum gas; and measuring equipment to which these Regulations apply is hereby prescribed for the purposes of section 11(1) of the Act.

(2) Nothing in these Regulations shall apply to any measuring equipment for use for the measurement by capacity of liquid fuel in a quantity not exceeding 100 L which, in accordance with a programme of automatic control and without the intervention of an operator during the measuring process, measures quantities of those products to a constant nominal capacity, the quantities being kept separate.

(3) On 1st October 1995, in paragraph (1) above, the words “20 gallons if it is constructed to measure in imperial units, or” and “if it is constructed to measure in metric units,” shall be omitted.

Purposes of use for trade

3. No person shall use for trade any measuring equipment fitted with a price to pay indicating device in digital form if it indicates during a measuring operation a part of a penny in the amount of the price to be paid by the buyer.

PRINCIPLES OF CONSTRUCTION AND MARKING OF MEASURING EQUIPMENT FOR LIQUID FUEL

Principles of construction and marking of equipment

4.—(1) All measuring equipment shall be made in accordance with a pattern in respect of which a certificate of approval is in force, and in these Regulations “the pattern” means the particular pattern in accordance with which any particular measuring equipment is so made.

(2) Any measuring equipment first submitted for testing with a view to passing as fit for use for trade before 1st January 1981 may, and any measuring equipment first submitted for such testing on or after such date shall, be legibly and durably marked with the number of the certificate of approval or of the notice of examination, preceded by the words “Certification No.,” “Cert. No.” or “Notice No.,” as the case may be.

Marking of name of manufacturer

5. All measuring equipment shall be legibly and durably marked with the name of the manufacturer.

Sales indicators

6. Every individual sales indicator fitted to measuring equipment shall be so arranged that—
- (a) the indicator reading is capable of being set to zero before a delivery commences; and
 - (b) the indicator reading cannot be advanced by any means other than by the proper operation of the equipment.

(2) S.I. 1988/128 as amended by S.I. 1994/1851.

Markings on Equipment

7. Every marking, notice, inscription or indication (including any pictogram) on measuring equipment referring to the method of operation or to the quantity of liquid fuel delivered shall be conspicuously, legibly and durably marked in a suitable position in plain block characters on a plain background and in distinct contrast to it.

Buyer of fuel to have view of measuring operation etc

8.—(1) Subject to paragraphs (2) and (3) below, all measuring equipment which forms part of a fixed installation shall be so positioned that a buyer may readily obtain a clear unobstructed view—

- (a) of all the operations carried out by any other person using the equipment to measure the liquid fuel being supplied to the buyer; and
- (b) of any device on the equipment which is designed to indicate to the buyer the quantity supplied or the amount payable or that delivery is being effected.

(2) Paragraph (1) above shall not apply to any equipment for use only for measuring kerosene except where the equipment is—

- (a) situated on premises where petrol is sold; or
- (b) used for measuring kerosene in the course of delivery into the fuel tanks of vehicles.

(3) Paragraph (1) above shall not apply to any equipment normally used for the measurement of lubricants in the absence of the buyer.

(4) Any indication on measuring equipment referring in metric units of measurement to the quantity of liquid fuel supplied may be accompanied by a supplementary indication.

Manner of use for trade

9. All measuring equipment shall be used for trade in such a manner that every individual sales indicator shall be set to zero before a delivery commences.

TESTING

Testing to be carried out under working conditions

10. All measuring equipment shall be tested by an inspector under practical working conditions with a test liquid, that is to say,—

- (a) the liquid fuel that the equipment is intended to deliver; or
- (b) a liquid having properties which replicate in all respects relevant to testing those of the liquid fuel which the equipment is intended to deliver,

and in the following provisions of these Regulations “test liquid” shall be construed accordingly.

Equipment tested to be complete

11. No measuring equipment shall be tested unless it is complete with all its parts as described in the certificate of approval or notice of examination, as the case may be.

Testing of measuring equipment

12.—(1) All measuring equipment which is to be permanently fixed in the position in which it is to be used shall be tested, passed as fit for use for trade and stamped only when—

- (a) completely erected, installed and ready for use at the place where it is to be used; or

- (b) completely erected and ready for use at the place of its manufacture or assembly in such a manner, in such a configuration and in such an environment as to replicate in all relevant respects those in which it will be installed at the place where it is to be used.
- (2) All measuring equipment (other than equipment to which paragraph (1) above applies) shall be tested, passed as fit for use for trade and stamped only when—
 - (a) completely erected, installed and ready for use at the place where it is to be used; or
 - (b) completely erected ready for use in conditions which are in all material respects the same as those at the place at which it is to be installed for use.
- (3) Notwithstanding paragraph (2)(b) above, measuring equipment which has been tested, passed as fit for use for trade and stamped in accordance with that paragraph shall not be used for trade if—
 - (a) it has subsequently been dismantled before completion of its installation at the place where it is to be used; and
 - (b) any such dismantling is likely to have affected its performance.

Equipment fitted with a hose

- 13.**—(1) Subject to paragraph (2) below, before testing any measuring equipment fitted with a discharge hose, the inspector shall ensure that test liquid has first been passed through the equipment.
- (2) This regulation shall not apply to equipment used for the measurement of liquid fuel where the delivery system remains permanently full up to the outer extremity of the discharge hose.
- (3) In this regulation the expression “hose” includes rigid pipe work.

Provision of test liquid

14. For the purposes of the performance by an inspector of his functions under the Act or these Regulations relating to inspection, testing, passing as fit for use for trade and stamping of any measuring equipment a person submitting such equipment to an inspector or who an inspector has reasonable cause to believe has possession of such equipment for use for trade shall, if requested, provide for the inspector’s use such test liquid and other equipment as the inspector may reasonably require; and any test liquid so provided shall be returned to the person in question or be placed in another suitable receptacle reasonably convenient for the purpose and nominated and provided by the proprietor or person in charge of the equipment.

Opening of tanks etc

- 15.**—(1) An inspector may open any locked or sealed tank or container for the purpose of testing any measuring equipment or the return of test liquid withdrawn during testing.
- (2) Upon the conclusion of the test, any test liquid so withdrawn shall forthwith be—
 - (a) returned to the tank or container from which it was withdrawn if the inspector is of the opinion that it is practicable and desirable so to do and the proprietor or person in charge of the equipment does not object; or
 - (b) placed in another suitable receptacle reasonably convenient for the purpose and nominated and provided by the proprietor or person in charge of the equipment.
- (3) The inspector, if requested, shall give to the proprietor or person in charge of the said equipment a signed and dated statement of the quantity of such test liquid withdrawn from the tank or container and returned or placed as aforesaid.

Closing of tanks etc

16. An inspector shall securely re-fasten any tank or container opened under regulation 15(1) above immediately after the conclusion of the test and the return of any test liquid withdrawn during testing or its placing in another receptacle; and for this purpose he shall replace any seal or link broken by him in opening the said tank or container with a seal upon which he shall affix the stamp.

Prescribed limits of error

17.—(1) Subject to paragraphs (2) to (5) below, the prescribed limits of error relating to any measuring equipment shall be those set out in Table 1 in the Schedule to these Regulations as may be appropriate having regard to the dynamic viscosity of the test liquid employed.

(2) Except in the case of equipment constructed to deliver a fixed quantity only, for a quantity equivalent to the minimum delivery of the equipment the prescribed limits of error shall be those set out in Table 2 in the Schedule to these Regulations as may be appropriate having regard to the dynamic viscosity of the test liquid employed.

(3) Where a quantity indicated by the measuring equipment is larger than the minimum delivery of the equipment, the prescribed limit of error for the said quantity shall never be less than that prescribed for the quantity equivalent to the minimum delivery of the equipment set out in the said Table 2 as may be appropriate having regard to the dynamic viscosity of the test liquid employed.

(4) In relation to the retesting of any equipment fitted with a price computing device which—

- (a) is, in the opinion of an inspector, only required to be retested as a result of an adjustment of that device occasioned by a change in price; and
- (b) has previously been tested and passed as fit for use for trade (but not since the said adjustment was made),

the prescribed limits of error shall be the amounts set out in the said Table 1 or Table 2 as appropriate having regard to the dynamic viscosity of the test liquid employed in relation to obliteration of the stamp.

(5) In relation to the retesting of any equipment converted to indicate the quantity delivered in metric units which—

- (a) is, in the opinion of an inspector, only required to be retested as a result of such conversion; and
- (b) has previously been tested and passed as fit for use for trade (but not since the said conversion was made),

the prescribed limits of error shall be the amounts set out in the said Table 1 or Table 2 as appropriate having regard to the dynamic viscosity of the test liquid employed in relation to obliteration of the stamp.

(6) 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 machine 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 the said Table 2 having regard to the dynamic viscosity of the test liquid employed for a quantity equivalent to the minimum delivery of the equipment,—

- (i) in the case of measuring equipment fitted with a price to pay indicating device in analogue form, not being less than the price corresponding to 2 mm on the indicated price scale or to one fifth of the indicated price scale interval, whichever is the greater; and
- (ii) in the case of measuring equipment fitted with a price to pay indicating device in digital form, not being less than the price corresponding to two scale intervals of the indicated price,

and in this paragraph “analogue” means capable of assigning any value or position within a continuous range.

- (7) On 1st October 1995, paragraph (5) above shall be omitted.

Measuring equipment imported from another member State or an EEA State

18.—(1) In relation to measuring equipment imported into Great Britain from another member State or from an EEA State, subject to paragraph (4) below, an inspector shall not carry out any test in accordance with the foregoing provisions of these Regulations if, together with the measuring equipment being imported, he is presented with the requisite documentation.

- (2) In this regulation and in regulation 19(2) below—

- (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 but until the EEA Agreement comes into force in relation to Liechtenstein does not include the State of Liechtenstein; 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 a member State or 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 a member State or in an EEA State as being a body which conforms with the criteria set out in EN 45001(3).

(4) Nothing in these Regulations shall prevent an inspector testing in accordance with the foregoing provisions of these Regulations 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.

(3) EN 45001 is a European Standard which has the status of a British Standard; it is identical with BS 7501 (ISBN 0 580 17939 7), “General criteria for the operation of testing laboratories”.

Passing as fit for use for trade

- 19.**—(1) No measuring equipment shall be passed as fit for use for trade—
- (a) unless it complies with all the appropriate requirements of these Regulations;
 - (b) unless on testing it measures and delivers the test liquid with which it is tested to within the prescribed limits of error when it is operated at any reasonable speed, the speed of operation in respect of any individual delivery being as uniform as practicable; and
 - (c) if, notwithstanding that each error is within the prescribed limits of error set out in Table 1 or Table 2 as appropriate, having regard to the dynamic viscosity of the test liquid employed, in the Schedule to these Regulations, the errors on all the quantities of test liquid indicated by the equipment during the tests are all errors in excess or all errors in deficiency.
- (2) In the case of measuring equipment imported from another member State or an EEA State, it shall not be passed as fit for use for trade unless—
- (a) where the requisite documentation is presented in accordance with regulation 18 above, the test report recites and the test data confirm to the satisfaction of the inspector that on testing in the relevant State it fell within the prescribed limits of error; and
 - (b) it complies with all the relevant requirements of these Regulations.
- (3) No measuring equipment fitted with a price to pay indicating device in digital form shall be passed as fit for use for trade if it is capable of indicating during a measuring operation a part of a penny in the amount of the price to be paid by the buyer.

STAMPING

Stamp to be on sealing plug etc

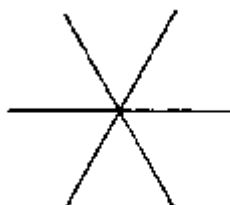
- 20.**—(1) All measuring equipment shall be provided with such sealing arrangements as may be contained in the certificate of approval or the notice of examination in respect of that pattern.
- (2) The stamp shall be placed on every plug, seal or sealing device authorised in accordance with paragraph (1) above.

Misleading marks etc

- 21.** No measuring equipment shall be stamped in accordance with regulation 20(2) above if it bears any mark which, in the opinion of the inspector, might reasonably be mistaken for the stamp.

Manner of obliteration of stamps

- 22.** Stamps shall be obliterated by an inspector, in accordance with the requirements of these Regulations, by means of punches or pincers of suitable sizes of a six-pointed star design as shown in the following illustration—



Obliteration of stamps

23.—(1) Subject to paragraph (2) below, an inspector shall obliterate the stamp on any measuring equipment which—

- (a) fails upon testing to fall within the prescribed limits of error in relation to obliteration of the stamp set out in Table 1 or Table 2 in the Schedule hereto as appropriate to the case; or
- (b) fails to comply with any other appropriate requirement of these Regulations.

(2) Where any measuring equipment does not fully comply with the requirements of these Regulations but the nature or degree of the non-compliance is not in the inspector's opinion such as to require the immediate obliteration of the stamp, the inspector—

- (a) shall give to the proprietor or person in charge of the equipment a notice calling on him to have the equipment corrected within a stated period not exceeding 28 days; and
- (b) shall obliterate the stamp if the correction has not been made within the stated period.

(3) Subject to paragraph (6) below, an inspector shall obliterate the stamp on any measuring equipment which has, since it was last stamped, had any alteration or addition made to it such that it could not be passed as fit for use for trade under regulation 19 above.

(4) Subject to paragraphs (5) and (6) below, where any measuring equipment has, since it was last stamped, been the subject of any adjustment, alteration, addition, repair or replacement which could, in the opinion of the inspector, have affected its accuracy or function, he may obliterate the stamp on that equipment.

(5) Where a component of any measuring equipment, or any ancillary equipment associated with it or any other equipment physically or otherwise connected to it or any component thereof—

- (a) is removed and not replaced, the inspector shall not obliterate the stamp under paragraph (4) above if he is satisfied that the removal has not significantly affected the accuracy or function of the measuring equipment; or
- (b) is replaced, the inspector shall not obliterate the stamp under paragraph (4) above if he is satisfied that—
 - (i) the new component or ancillary or connected equipment is in all material respects the same as that which it replaces; and
 - (ii) the replacement has not significantly affected the accuracy or function of the measuring equipment.

(6) In the case of any measuring equipment passed as fit for use for trade and stamped pursuant to regulation 12(1)(b), an inspector shall not obliterate the stamp under paragraph (3) or (4) above by reason only that an addition has been made to it solely for the purposes of installation of the equipment at the place at which it is used.

Deemed obliteration of stamps

24.—(1) For the purposes of these Regulations, the obliteration, destruction or defacement of any one stamp on any measuring equipment shall be deemed to be the obliteration of all other stamps on that equipment, except—

- (a) where—
 - (i) a stamp on any part of any measuring equipment is obliterated by reason only of the failure of that part to comply with all the appropriate requirements of these Regulations; and
 - (ii) that failure does not have the effect of causing other parts of the equipment to fail to comply with those requirements; or
- (b) where the stamp has been lawfully obliterated under regulation 25 or 26 below.

(2) Where the inspector has obliterated a stamp on any measuring equipment, he may attach to the equipment a notice indicating that the equipment or, in a case to which paragraph (1)(a) above applies, the part of it in question is out of order.

**Lawful use for trade of equipment where stamps destroyed, obliterated or defaced—
adjustment of price computing device**

25.—(1) It shall be lawful to destroy, obliterate or deface a stamp on any measuring equipment, and it shall not be a contravention of section 11(2) of the Act to use such equipment for trade during the relevant period by reason only that a stamp on it has been lawfully destroyed, obliterated or defaced (such destruction, obliteration or defacement being in this regulation referred to as “the occurrence”) if—

- (a) the person responsible for the occurrence is, or is the duly authorised agent of, the proprietor of the equipment or a person who is the manufacturer, or is regularly engaged in the repair, of equipment for measuring liquid fuel;
- (b) the occurrence was confined to the stamp protecting the price computing device of the equipment and the stamp on the indicator of the price per gallon (or per half a gallon or per litre as the case may be);
- (c) the occurrence was only to permit an adjustment of that device and that indicator; and
- (d) notification in writing complying with paragraph (2) below of the occurrence has been given by the proprietor of the equipment or his duly authorised agent before the occurrence to the chief inspector of weights and measures for the area in which the equipment is situated.

(2) The notification referred to in paragraph (1) above shall contain the following information—

- (a) the location of, and particulars by which, the equipment may be identified;
- (b) the intended date of the occurrence;
- (c) the business name and address of the proprietor or other person referred to in paragraph (1) (a) above; and
- (d) the name and address of the person giving the notification.

(3) In paragraph (1) above “relevant period” means a period of 28 days beginning with the day on which the notification referred to in that paragraph is given in accordance with that paragraph.

(4) On 1st October 1995, in paragraph (1) above for the words “per gallon (or per half a gallon or per litre as the case may be)” there shall be substituted the words “per litre”.

**Lawful use for trade of equipment where stamps destroyed, obliterated or defaced—
adaptation for metric quantities**

26.—(1) It shall be lawful to destroy, obliterate or deface a stamp on any measuring equipment, and it shall not be a contravention of section 11(2) of the Act to use such equipment for trade during the relevant period by reason only that a stamp on it has been lawfully destroyed, obliterated or defaced (such destruction, obliteration or defacement being in this regulation referred to as “the occurrence”) if—

- (a) the person responsible for the occurrence is, or is the duly authorised agent of, a person who is the manufacturer, or is regularly engaged in the repair, of equipment for measuring liquid fuel;
- (b) the occurrence was only to facilitate or permit the adaptation of the equipment to measure in metric quantities;

- (c) where the occurrence relates to the stamp on the measuring equipment protecting the calibration of the measuring device, the person responsible for the occurrence has attached to the equipment some seal or other device which must be defaced or removed before the calibration of the measuring device can be adjusted; and
 - (d) notification in writing complying with paragraph (2) below of the occurrence has been given by the proprietor of the equipment or his duly authorised agent before the occurrence to the chief inspector of weights and measures for the area in which the equipment is situated.
- (2) The notification referred to in paragraph (1) above shall contain the following information—
- (a) the location of, and particulars by which, the equipment may be identified;
 - (b) the intended date of the occurrence;
 - (c) the business name and address of the person referred to in paragraph (1)(a) above;
 - (d) the name and address of the person giving the notification; and
 - (e) whether the occurrence is of a type mentioned in paragraph (3)(a) or (3)(b) below.
- (3) In paragraph (1) above, “relevant period” means—
- (a) where the stamp on the measuring equipment protecting the calibration of the measuring device remains intact and notification of the fact that some other stamp has been destroyed, obliterated or defaced has been given in accordance with that paragraph, a period of 28 days beginning when notification is so given; or
 - (b) where the stamp on the measuring equipment protecting the calibration of the measuring device has been destroyed, obliterated or defaced and notification of the destruction, obliteration or defacement of that stamp has been given in accordance with that paragraph, a period of 5 days beginning when notification is so given.

1st April 1995

Jonathan Evans
Parliamentary Under-Secretary of
State, Department of Trade and Industry