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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations prescribe, for the purposes of section 11(1) of the Weights and Measures Act 1985 (“the Act”), certain dry and liquid capacity measures for use for trade. The Regulations replace Parts III and IV of the Weights and Measures Regulations 1963 and cover all capacity measures other than—

- (i) those for the purposes of measuring and serving intoxicating liquor for consumption on the premises at which it is sold, to which the Capacity Serving Measures (Intoxicating Liquor) Regulations 1988 apply, or
- (ii) those for use only for making up or checking packages (in accordance with section 49(1) and (2)(a) of the Act), which are specified in paragraph 4 of Schedule 4 to the Weights and Measures (Packaged Goods) Regulations 1986.

The Regulations apply to dispensing measures for pharmaceutical purposes (formerly called apothecaries' measures).

The effect of prescription is to make it unlawful to use these capacity measures for trade purposes unless they have been tested, passed as fit for such use and stamped by an inspector of weights and measures. The Regulations make simplified provision about—

- (a) the materials and principles of construction of capacity measures (regulations 4 to 6);
- (b) their purpose and manner of use (regulation 7);
- (c) their testing for conformity with the nominal capacity of the whole measure and those of its subdivisions, within certain prescribed limits of error (regulations 8 to 14);
- (d) their being passed as fit for use for trade and stamped, and the obliteration of stamps (regulations 15 to 17).

The Regulations make the following changes of substance—

- (a) a requirement has been introduced to ensure that a buyer of intoxicating liquor, which is transferred from a capacity measure to another container, should have a clear and unobstructed view of the measurement and the transfer (regulation 7(c));
- (b) provision is made for testing based on the results of testing a group of measures of between 500 and 150,000 in number (regulation 12);
- (c) to avoid duplicate testing of capacity measures imported from other member States of the European Communities or a state of the European Economic Area, by allowing weights and measures inspectors testing the fitness of such measures for use for trade to accept test reports and results from approved bodies in those States (regulations 13 and 16);
- (d) dispensing measures for pharmaceutical purposes are now largely dealt with by British Standards (BS) and the relevant BS is referred to in relation to their constructional requirements (regulation 6(2)) and limits of error (regulation 15);
- (e) the permissible limits of error are amended and are now in excess and in deficiency (formerly in excess only) (regulation 15 and Schedule 2); and
- (f) the requirements relating to the placing of the line on line measures are amended and, on and after 1st October 1995, the only imperial unit which may be marked is the pint (regulation 16(5) and (7)).

**Changes to legislation:** *There are currently no known outstanding effects for the The Measuring Equipment (Capacity Measures and Testing Equipment) Regulations 1995. (See end of Document for details)*

The Regulations also amend the Weights and Measures (Local and Working Standard Capacity Measures and Testing Equipment) Regulations 1990 by the inclusion of provisions about the use of peristaltic pump dispensers for the testing of dispensing measures for pharmaceutical purposes.

Copies of British Standards (see regulations 2(1), 6(2), 11, 12, 13, 15 and 16) can be obtained from any of the sales outlets operated by the British Standards Institution (BSI), or by post from the BSI at Linford Wood, Milton Keynes, MK14 6LE.

A Compliance Cost Assessment of the impact that these Regulations will have on business will be available in the libraries of the Houses of Parliament once the Regulations, having been made, are laid before Parliament and from the National Weights and Measures Laboratory, Stanton Avenue, Teddington, Middlesex, TW11 0JZ.

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