

1985 No. 364

WEIGHTS AND MEASURES

Weights and Measures (Amendment) Regulations (Northern Ireland) 1985

Made 23rd December 1985

Coming into operation 29th January 1986

The Department of Economic Development, in exercise of the powers conferred by Articles 9(1) and (3) and 13(1) of the Weights and Measures (Northern Ireland) Order 1981(a) and now vested in it(b) 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 Weights and Measures (Amendment) Regulations (Northern Ireland) 1985 and shall come into operation on 29th January 1986.

Amendment of the Weights and Measures Regulations (Northern Ireland) 1967

2. The Weights and Measures Regulations (Northern Ireland) 1967(c) shall be amended as follows:—

- (a) in Regulation 2, after the definition of “the prescribed stamp”, there shall be added the following definition:—
 “ “price computing weighing instrument” includes 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 weighing or is intended to facilitate operation of the weighing instrument and ancillary equipment;”;

- (b) after Regulation 3 there shall be added the following Regulation:—
 “Prohibition on use for trade of certain price computing weighing instruments

3A. A person shall not on or after 1st September 1986 use for trade any price computing weighing instrument if—

- (a) it indicates in digital form during a weighing operation a part of a penny in the amount of the price to be paid by the buyer; or
- (b) it indicates the price in digital form and has any monetary indications in units of a part of a penny in vulgar fraction form which are capable of being used during a weighing operation to calculate the price.”;
- (c) after Regulation 5(1) there shall be added the following paragraphs:—
 “(1A) No price computing weighing instrument shall first be passed as fit for use for trade on or after 1st April 1986 if—
 (a) it is capable of indicating during a weighing operation a part of a penny in the amount of the price to be paid by the buyer; or
 (b) it has any monetary indications in units of a part of a penny in vulgar fraction form which are capable of being used during a weighing operation to calculate the price.

(a) S.I. 1981/231 (N.I. 10)
 (b) By S.I. 1982/846 (N.I. 11) Art. 4
 (c) S.R. & O. (N.I.) 1967 No. 237 as amended by S.R. & O. (N.I.) 1972 No. 278

(1B) No price computing weighing instrument shall first be passed as fit for use for trade on or after 1st September 1986 if it is capable of indicating in digital form during a weighing operation the amount of any price to be paid by the buyer other than a price rounded to the nearest penny, any price computed as including exactly a halfpenny being rounded up or down.”;

(d) after Regulation 7 there shall be added the following Regulation:—

“Obliteration of stamps following a modification which has affected the accuracy or function of a price computing weighing instrument

7A.—(1) Subject to the following paragraphs, where any price computing weighing instrument has, since it was last stamped, been the subject of any modification consisting of any adjustment, alteration, addition, repair or replacement which has affected its accuracy or function, the inspector shall obliterate the stamp on that instrument.

(2) Nothing in paragraph (1) shall require an inspector to obliterate the stamp on any price computing weighing instrument which has been so modified if he is satisfied—

- (a) that the sole purpose of the modification was to prevent the instrument from being capable of indicating during a weighing operation a part of a penny in the amount of the price to be paid by the buyer;
- (b) (i) that the instrument is not capable of indicating a totalised price, has no monetary indications in units of a part of a penny in vulgar fraction form which are capable of being used during a weighing operation to calculate the price, had previously indicated in digital form during a weighing operation a part of a penny in the amount of the price to be paid by the buyer *and* the modification was made by covering any markings of a part of a penny on it used for so indicating a price so as to render them permanently invisible or by permanently removing any such markings of a part of a penny from the instrument or by permanently removing the power supply from that part of the instrument designed solely for so indicating a price; or
- (ii) that the instrument had previously indicated otherwise than in digital form during a weighing operation a part of a penny in the amount of the price to be paid by the buyer and the modification was made by replacing or adding a chart or pointer, or by covering any such markings of a part of a penny on the instrument so as to render them permanently invisible; and
- (c) (i) that within the period of fifteen days following the making of the modification the requirements of paragraph (3) were complied with; or
- (ii) that the period for complying with those requirements has not yet expired.

(3) The requirements referred to in paragraph (2)(c) are that the chief inspector of weights and measures is furnished in writing by the person carrying out the modification with exact details of the modification and the following particulars, namely—

- (a) his name and address;
- (b) the date on which the modification was completed;
- (c) particulars by which the instrument may be identified;
- (d) the name and address of the person who will first use the instrument for trade after its modification and the address at which it will be so used or, if those particulars are not known, an address at which the instrument will be available for inspection for a period of not less than 10 days beginning with the day on which the notification in writing is given to the chief

inspector of weights and measures by the person carrying out the modification; and

(e) an indication as to whether or not the purpose of the modification was only as specified in paragraph (2)(a).

(4) Where the modification of the price computing weighing instrument involves the carrying out of two or more operations and the instrument is used, or intended to be used, for trade between the carrying out of those operations, each such operation shall be treated for the purposes of paragraph (2) as a separate modification.

(5) In this Regulation "totalised price" means the amount of the total price to be paid by the buyer for more than one item whether or not each item is weighed.";

(e) after Regulation 26 there shall be added the following Regulation:—

"Testing of price computing weighing instruments"

26A.—(1) Nothing in Regulation 26 shall require an inspector to test a price computing weighing instrument first passed as fit for use for trade before 1st April 1986 which has been modified solely to prevent it from being capable of indicating during a weighing operation a part of a penny in the amount of the price to be paid by the buyer or from having any monetary indications in units of a part of a penny in vulgar fraction form which were capable of being used during a weighing operation to calculate the price.

(2) Where paragraph (1) applies, an inspector shall test the price computing weighing instrument in such way as he considers appropriate to establish its correct operation.";

(f) after Regulation 32(3) there shall be added the following paragraphs:—

"(4) Nothing in this Regulation shall require an inspector to test a counter machine first passed as fit for use for trade before 1st April 1986 which has been modified solely to prevent it from being capable of indicating during a weighing operation a part of a penny in the amount of the price to be paid by the buyer or from having any monetary indications in units of a part of a penny in vulgar fraction form which were capable of being used during a weighing operation to calculate the price.

(5) Where paragraph (4) applies, an inspector shall test the counter machine in such way as he considers appropriate to establish its correct operation.";

(g) for paragraphs 1, 2 and 3 of Schedule 3 there shall be substituted the following paragraphs:—

"1. Subject to the following paragraphs, the prescribed limits of error for weighing instruments shall be those specified in Tables I to X.

2. In the case of any weighing instrument of a capacity not specified in the said Tables, the prescribed limits of error shall be the amounts proportionate to those so specified for an instrument of the same type, class or description.

3. In any case in which the requirements of Regulation 7(6) have been complied with following the modification of an instrument to indicate weight in metric units, the prescribed limits of error upon the first retesting of that instrument with a view to its being passed as fit for use for trade shall be those applicable in relation to the obliteration of the stamp upon the instrument except where:

(a) the stamp upon the instrument was last obliterated for any reasons other than are set out in Regulation 7(2)(c) or (d); or

(b) there is an agreement of the type referred to in Regulation 7(6)(e).

4. In any case in which the requirements of Regulation 7A(3) have been complied with following any modification of a price computing weighing instrument to prevent it—

- (a) from being capable of indicating during a weighing operation a part of a penny in the amount of the price to be paid by the buyer; or
- (b) from having any monetary indications in units of a part of a penny in vulgar fraction form which were capable of being used during a weighing operation to calculate the price,

and where the conditions specified in Regulation 7A(2)(b)(i) or (ii) have not been met, the prescribed limits of error upon the first retesting of that instrument with a view to its being passed as fit for use for trade shall be those applicable in relation to the obliteration of the stamp upon the instrument except where the stamp was last obliterated for any reason other than a modification as referred to in Regulation 7A(2)(a).

5. In the case of any weighing instrument which weighs in units of the metric system and for which no limits of error are specified in terms of those units, the prescribed limits of error shall be the amounts in terms of metric units equivalent to those specified in terms of imperial units in the relevant Table with respect to an instrument of the same capacity, type, class or description.

6. In the case of any weighing instrument of the self-indicating or semi-self-indicating type, the prescribed limits of error in excess or in deficiency, shall be either—

- (a) the appropriate amount specified in the relevant Table for the instrument concerned, or
- (b) (i) in relation to the obliteration of stamps, the amount corresponding to the smallest interval between consecutive graduations on the scale or dial of the instrument;
(ii) upon passing as fit for use for trade, one half of the said amount; whichever is the lesser.”.

Sealed with the Official Seal of the Department of Economic Development on
23rd December 1985.

(L.S.)

J. D. Thompson

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Weights and Measures Regulations (Northern Ireland) 1967 to take account of the demonetisation of the halfpenny in so far as they relate to price computing weighing instruments including ancillary and connected equipment as follows—

- (a) no instrument which indicates in digital form a price to pay including a part of a penny or which has any monetary indications in units of a part of a penny in vulgar fraction form capable of being used to calculate the price shall be used for trade on or after 1st September 1986 (Regulation 2(b));
- (b) no instrument which is capable of indicating a price to pay including a part of a penny or which has any monetary indications in units of a part of a penny in vulgar fraction form capable of being used to calculate the price shall first be passed as fit for use for trade on or after 1st April 1986 (Regulation 2(c));
- (c) no instrument shall first be passed as fit for use for trade on or after 1st September 1986 if it is capable of indicating in digital form a price to pay not rounded to the nearest penny (Regulation 2(c));
- (d) the rules as to the obliteration of stamps on instruments which have been modified to take account of the demonetisation of the halfpenny and the limits of error applicable where retesting is necessary are relaxed if the modification has been made in accordance with the Regulations solely to prevent the instrument from remaining capable of indicating a price to pay which includes a part of a penny and notice of the modification has been given in accordance with the Regulations to the chief inspector of weights and measures (Regulation 2(d) and (g)); and
- (e) where a price computing weighing instrument, including a counter machine, first passed as fit for use for trade before 1st April 1986 has been modified solely to prevent it from being capable of indicating during a weighing operation a part of a penny in the amount of the price to be paid by the buyer or from having any monetary indications in units of a part of a penny in vulgar fraction form which were capable of being used during a weighing operation to calculate the price, an inspector is only required to test the instrument in such way as he considers appropriate to establish its correct operation (Regulation 2(e) and (f)).

Contravention of Regulation 3A is an offence under Article 13(1) of the Weights and Measures (Northern Ireland) Order 1981. The penalty on summary conviction for this offence is a fine not exceeding £400 and the instrument in respect of which the offence is committed is liable to forfeiture.