

1990 No. 2**WEIGHTS AND MEASURES****Capacity Serving Measures (Intoxicating Liquor)
Regulations (Northern Ireland) 1990**

Made 5th January 1990

Coming into operation 19th February 1990

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SCHEDULE — Prescribed limits of error.

The Department of Economic Development, in exercise of the powers conferred by Articles 8(1), 9(1) to (3) and 13(1) and (2) 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:—

PART I

GENERAL

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Capacity Serving Measures (Intoxicating Liquor) Regulations (Northern Ireland) 1990 and shall come into operation on 19th February 1990.

(2) The Capacity Measures (Intoxicating Liquor) Regulations (Northern Ireland) 1984(c) are hereby revoked.

Interpretation

2.—(1) In these Regulations—

“analogue” means capable of assigning any value or position within a continuous range;

“capacity serving measure” means a capacity measure made of transparent glass or plastic and intended to determine a specified volume of intoxicating liquor for delivery to the consumer;

(a) S.I. 1981/231 (N.I. 10)

(b) By S.I. 1982/846 (N.I. 11) Art. 4

(c) S.R. 1984 No. 85

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

“discrimination threshold” means, in the case of weighing equipment with a digital indicator, the weight which produces a change of reading of one digit, and in the case of weighing equipment with an analogue indicator, the weight which produces a 1 millimetre movement of the pointer;

“the Order” means the Weights and Measures (Northern Ireland) Order 1981;

“prescribed limits of error” has the meaning set out in regulation 20; and

“the stamp” means the stamp prescribed by the Weights and Measures (Prescribed Stamp) Regulations (Northern Ireland) 1969(a).

(2) The abbreviations of, and symbols for, units of measurement used in these Regulations refer to the relevant units as follows:—

<i>Imperial System</i>		<i>Metric System</i>	
fluid ounce	fl oz	gram	g
pint	pt	millilitre	ml
gallon	gal	millimetre	mm
		litre	l or L

Degree Celsius °C

Application of Regulations and prescription of capacity serving measures

3.—(1) Subject to paragraph (2), these Regulations apply to the following capacity serving measures for use for trade for the purposes of measuring and serving intoxicating liquor for consumption on or off the premises at which it is sold, namely measures of—

<i>Imperial System</i>	<i>Metric System</i>
4 fl oz	100 ml
5 fl oz (1 gill)	125 ml
6 fl oz	150 ml
1/3 pt	175 ml
8 fl oz	200 ml
1/2 pt	250 ml
1 pt	500 ml
2 pt (1 quart)	1 l
4 pt (1/2 gal)	2 l

(2) These Regulations do not apply to liquid capacity measures specified in paragraph 4 of Schedule 4 to the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 1979(b) for use only for making up or checking packages in accordance with Article 31(9) or (10)(a) of the Order.

(3) Capacity serving measures to which these Regulations apply are hereby prescribed for the purposes of Article 9(1) of the Order.

(a) S.R. & O. (N.I.) 1969 No. 11

(b) S.R. 1979 No. 435 as amended by S.R. 1980 No. 403

(4) The Weights and Measures Regulations (Northern Ireland) 1967(a) are hereby amended in regulation 3(2) by the substitution of the following sub-paragraph for sub-paragraph (g):—

“(g) capacity serving measures to which the Capacity Serving Measures (Intoxicating Liquor) Regulations (Northern Ireland) 1990 apply.”.

PART II

MATERIALS AND PRINCIPLES OF CONSTRUCTION AND MARKING OF CAPACITY SERVING MEASURES

Strength and durability

4. Every capacity serving measure shall be sufficiently strong, rigid and stable to withstand the wear and tear of ordinary use in trade.

Material characteristics

5. Every capacity serving measure shall—

- (a) neither affect, nor be affected by, the intoxicating liquor which it is to be used to measure; and
- (b) if made of plastic, after immersion in water at 95°C for 10 minutes, resist deformation under hand pressure and not shrink, distort, split or show signs of striation.

Manner of construction

6. Every capacity serving measure shall be constructed so that no air is trapped on filling and no liquid retained on emptying when tilted to an angle of 135° from the vertical.

Types of capacity serving measures

7.—(1) Capacity serving measures may be either—

- (a) brim measures, which shall have a plane rim and be of a nominal capacity in column 1 of Table 1 in the Schedule; or
- (b) line measures, which shall be of a nominal capacity in column 1 of Table 2 in the Schedule and marked with a line which shall be—
 - (i) on the inside or outside surface of the measure;
 - (ii) conspicuous and durable;
 - (iii) of a thickness of not less than 0.5 mm and not more than 1.5 mm;
 - (iv) subject to paragraph (2), of a minimum length as set out in column 5 of Table 2 for a measure of the relevant capacity; and
 - (v) at a minimum vertical distance from the top of the line to the plane of the brim as set out in column 3 of Table 2 for that measure, and at a maximum vertical distance from the top of the line to the plane of the brim of four times the relevant minimum distance.

(a) S.R. & O. (N.I.) 1967 No. 237; the relevant amending Regulations are S.R. 1984 No. 85

(2) Where the minimum length of line referred to in paragraph 1(b)(iv) is 25 mm, a line measure may instead be marked with two equal co-linear lines which, together with a separation of 2 mm, total not less than 25 mm.

Capacity serving measures to be stable and their brims and lines horizontal

8. A capacity serving measure shall not rock, and its brim and lines shall be reasonably horizontal, when it is on a flat horizontal surface.

Profile of capacity serving measures

9. The body of every capacity serving measure shall maintain a reasonably uniform profile when rotated about its principal axis and in this regulation "principal axis" means the vertical line which passes through the centre of the base when the measure is standing on a flat horizontal surface.

Marking of nominal capacity and subdivisions

10.—(1) Every capacity serving measure shall have its nominal capacity conspicuously, legibly and durably marked on the outside of the body of the measure (and not on any handle, bottom, rim, edge or stem) in the case of imperial measures in fluid ounces or pints and in the case of metric measures in millilitres or litres, in full or by means of one of the following abbreviations or symbols only—

fl oz, pt, ml, L or l

(2) The nominal capacity shall be marked—

- (a) in the case of a brim measure, adjacent to the brim, in characters of a minimum height as set out in column 3 of Table 1 in the Schedule;
- (b) in the case of a line measure, at the line denoting the nominal capacity, in characters of a minimum height as set out in column 4 of Table 2 in the Schedule.

(3) Capacity serving measures—

- (a) over 10 fl oz in the case of imperial measures may be subdivided into multiples of $\frac{1}{2}$ pt only;
- (b) over 250 ml in the case of metric measures may be subdivided into multiples of 250 ml only; and
- (c) of a nominal capacity of 1 litre may be subdivided at 700 ml and at no other point;

and such subdivisions shall be—

- (i) lawful for use for trade; and
- (ii) marked on the measure in the same field of view as the nominal capacity.

(4) The number of subdivisions shall be marked on the measure and each subdivision shall be—

- (a) conspicuously, legibly and durably marked with the capacity it defines in characters of a minimum height as set out in column 3 of Table 1 in the case of a brim measure and in column 4 of Table 2 in the case of a line measure; and
- (b) marked with a line which shall be—

- (i) on the inside or outside surface of the measure;
- (ii) conspicuous and durable;
- (iii) of a thickness of not less than 0.5 mm and not more than 1.5 mm; and
- (iv) of a minimum length of not less than 25 mm.

(5) Subject to paragraph (6), the marking of nominal capacity, an indication of the type of measure (brim or line) and the number of subdivisions may be incorporated with the stamp.

(6) The marking of information referred to in paragraph (5) shall be permanent, legible and conspicuous and not likely to cause confusion in use.

PART III

TESTING

Cleanliness of capacity serving measures

11. Every capacity serving measure submitted for testing shall be in a clean condition.

Liquid to be used for the testing of capacity serving measures

12. A capacity serving measure shall be tested by delivering water into it.

Testing of nominal capacity and subdivisions

13. The nominal capacity and every subdivision shall be tested.

Capacity to line

14. The capacity to the line of a line measure shall be the volume at 20°C when the measure is on a horizontal surface and the bottom part of the meniscus coincides with the top of the line.

Capacity to brim

15. The capacity to the brim of a brim measure shall be the volume at 20°C when the measure is on a horizontal surface and the water is struck off so that the surface of the water is in the same plane as the brim.

Capacity to subdivision

16. The capacity to a subdivision of a capacity serving measure shall be the volume at 20°C when the measure is on a horizontal surface and the bottom part of the meniscus coincides with the top of the line of the subdivision.

Methods of testing

17. Subject to regulation 18, every capacity serving measure submitted to an inspector for testing shall be tested by him by one of the following methods—

- (a) volumetrically, by comparison with one or more local or working standards of capacity, or by means of appropriate testing equipment;
- or

- (b) gravimetrically, by determining the weight of an equivalent volume of water of a known temperature using suitable weights and a suitable weighing machine which has a discrimination threshold in grams equivalent to one-fifth of the amount in millilitres of the appropriate limit of error set out in column 2 of Table 1 or Table 2 as the case may be in the Schedule.

Selective testing

18.—(1) Where a group of capacity serving measures of the same design, the same nominal capacity and the same manufacture is submitted for testing, and the conditions specified in paragraph (2) are satisfied with respect to the group, the testing may, at the request of the submitter, be confined to a number of measures determined and selected as specified in paragraph (3).

(2) The conditions referred to in paragraph (1) are—

- (a) the group shall be clearly identifiable and shall consist of measures which exceed 500 but do not exceed 150,000 in number;
- (b) the measures in the group shall all have been produced by the same production process; and
- (c) the group shall be accompanied by records of the production process and of any subsequent action taken by the manufacturer which are adequate to show that the measures in the group are likely to fall within the prescribed limits of error.

(3) The number of measures referred to in paragraph (1) shall be determined and the measures shall be selected by sampling plans and procedures using samples which the inspector considers to be representative, in accordance with either sub-paragraph (a) or, at the request of the submitter, sub-paragraph (b):

- (a) British Standard Specification for Sampling procedures and charts for inspection by attributes BS 6001: 1972(a) which provides an acceptable quality level equal to 1 per cent. in which case the sample of measures chosen shall be tested for attributes, including for limits of error on capacity which may be done volumetrically or gravimetrically as in regulation 17;
- (b) (i) the test at sub-paragraph (a) shall be performed for all the appropriate requirements of these Regulations except for limits of error on capacity;
- (ii) a sub-sample of the measures chosen for the test at sub-paragraph (a), which the inspector considers to be representative, shall be tested gravimetrically as in regulation 17(b) in accordance with the British Standard Specification for Sampling procedures and charts for inspection by variables for per cent. defective BS 6002: 1979(b) and which provide an acceptable quality level equal to 1 per cent.

(a) SBN No. 580 07081 6, published by the British Standards Institution on 30th March 1972 as amended February 1984

(b) ISBN No. 0 580 10806 6, published by the British Standards Institution on 31st May 1979

(4) If the sample selected as specified in paragraph (3) satisfies the test at sub-paragraph (a) or both tests at sub-paragraph (b), the other measures in the group shall be treated as having satisfied the test or tests as the case may be.

Power of inspector to request provision of material

19. For the purposes of the performance by an inspector of his functions under the Order or these Regulations relating to inspection, testing, passing as fit for use for trade and stamping of any capacity measure, a person submitting such a measure to an inspector or who an inspector has reasonable cause to believe has possession of such a measure for use for trade shall, if requested, make available for the inspector's use such material in his possession as the inspector may reasonably require, and such material shall be returned to the person in question.

PART IV

SUPPLEMENTARY PROVISIONS

Prescribed limits of error

20.—(1) The prescribed limits of error relating to the nominal capacity of capacity serving measures shall be the amounts set out in column 2 of Table 1 and Table 2 in the Schedule.

(2) The prescribed limits of error relating to any subdivision of a capacity serving measure shall be:—

- (a) the limits of error of a line measure of the equivalent capacity in Table 2; or
- (b) if the equivalent capacity is not shown, calculated by proportionate interpolation.

Passing as fit for use for trade

21. A capacity serving measure shall not be passed as fit for use for trade unless—

- (a) on testing,
 - (i) subject to regulation 10(5), it complies with all the appropriate requirements of these Regulations;
 - (ii) it falls within the prescribed limits of error; and
 - (iii) it is constructed in a manner which does not facilitate fraudulent use, and it does not bear any decorations or designs which might cause confusion in use; or
- (b) where it has not been tested, it forms part of a group of measures treated under regulation 18(4) as having satisfied the test or tests as the case may be.

Stamping

22.—(1) The stamp shall be placed on the outside of the capacity serving measure adjacent to the marking of its nominal capacity.

(2) A capacity serving measure shall not be stamped if it bears any other mark which might reasonably be mistaken for the stamp or an expression of approval or guarantee of accuracy by any body or person.

Powers and duties of inspector regarding obliteration of stamps and manufacturer's marks

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

- (a) fails upon testing to fall within the prescribed limits of error; or
- (b) fails to comply with any other appropriate requirement of these Regulations; or
- (c) has been the subject of any adjustment, alteration, addition, damage or repair which could have affected its compliance with the appropriate requirements of these Regulations.

(2) An inspector shall not obliterate the stamp or manufacturer's mark on any capacity serving measure which falls within the prescribed limits of error and which was first stamped or marked with the manufacturer's mark before 19th February 1990, notwithstanding that it fails to comply with the other appropriate requirements of these Regulations.

(3) In this regulation, "manufacturer's mark" means a mark on a liquid capacity measure authorised under the Capacity Measures (Intoxicating Liquor) Regulations (Northern Ireland) 1984.

Sealed with the Official Seal of the Department of Economic Development on 5th January 1990.

(L.S.)

R. G. Smartt

Assistant Secretary

SCHEDULE

regulations 7, 10
17 and 20

TABLE 1

Brim Measures

<i>Nominal capacity</i>	<i>Limits of error (ml) (in excess only)</i>	<i>Minimum height of marking (mm)</i>
(1)	(2)	(3)
250 ml	20	4.5
500 ml	30	4.5
1000 ml	60	6
2000 ml	120	6
$\frac{1}{3}$ pint	20	4.5
$\frac{1}{2}$ pint	20	4.5
1 pint	34	4.5
2 pint	68	6
4 pint	136	6

TABLE 2

Line Measures

<i>Nominal capacity</i>	<i>Limits of error (ml) (in excess or deficiency)</i>	<i>Minimum distance from top of line to brim (mm)</i>	<i>Minimum height of marking (mm)</i>	<i>Minimum length of line or lines (mm)</i>
(1)	(2)	(3)	(4)	(5)
100 ml	5	6	3	10
125 ml	6	6	3	10
150 ml	7.5	6	3	10
175 ml	9	6	3	10
200 ml	10	6	4.5	25
250 ml	10	10	4.5	25
500 ml	15	10	4.5	25
1000 ml	30	16	6	25
2000 ml	60	16	6	25
4 fl oz	5.5	6	3	10
5 fl oz	7	6	3	10
6 fl oz	8.5	6	3	10
$\frac{1}{3}$ pint	10	10	4.5	25
8 fl oz	10	10	4.5	25
$\frac{1}{2}$ pint	10	10	4.5	25
1 pint	17	10	4.5	25
2 pint	34	16	6	25
4 pint	68	16	6	25

(This note is not part of the Regulations.)

These Regulations prescribe, for the purposes of Article 9(1) of the Weights and Measures (Northern Ireland) Order 1981 ("the Order"), certain liquid capacity measures for use for trade for the purposes of measuring and serving intoxicating liquor for consumption on or off the premises at which it is sold. The capacity serving measures covered are—

- (a) those between 4 and 8 fluid ounces and between 100 and 250 millilitres formerly prescribed by the Capacity Measures (Intoxicating Liquor) Regulations (Northern Ireland) 1984; and
- (b) those between half a pint and four pints and between 500 millilitres and two litres formerly prescribed by the Weights and Measures Regulations (Northern Ireland) 1967.

The effect of prescription is to make it unlawful to use these measures for trade purposes unless they have been tested, passed as fit for such use and stamped by an inspector of weights and measures. Other measures which comply with the Weights and Measures Regulations (Northern Ireland) 1967, eg those made of pewter, may be used for intoxicating liquor, but in accordance with the Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1989(a) beer and cider shall be sold by retail only in a quantity of $\frac{1}{3}$ pint, $\frac{1}{2}$ pint or multiple of $\frac{1}{2}$ pint.

The Regulations make provision for—

- (a) the materials and principles of construction and marking of capacity serving measures (regulations 4 to 10);
- (b) their testing, including testing based on the results of testing a sample from a group of measures (regulations 11 to 19); and
- (c) the prescribed limits of error, passing as fit for use for trade, stamping and obliteration of stamps (regulations 20 to 23).

The Regulations make the following changes of substance—

- (a) for measures formerly prescribed by the Capacity Measures (Intoxicating Liquor) Regulations (Northern Ireland) 1984—
 - (i) the marking of measures with a manufacturer's mark is no longer permitted; and
 - (ii) the maximum size of a group of measures from which a sample is drawn for testing purposes is increased from 10,000 to 150,000;
- (b) for measures formerly prescribed by the Weights and Measures Regulations (Northern Ireland) 1967—
 - (i) the requirements relating to the placing and length of the line on line measures are amended;

- (ii) the prescribed limits of error on line measures are revised and are now in excess or in deficiency (formerly in excess only); and
- (iii) testing based on the results of testing a sample from a group of measures is introduced.

Contravention of regulation 10(1) is an offence under Article 13(1) of the Order. It is also an offence under Article 8(2) of the Order for a person to use a capacity serving measure for trade by means of any division or subdivision marked on it, other than the subdivisions permitted by regulation 10(3), as a capacity measure of any lesser quantity. Under Article 9(2) of the Order it is an offence for a person to use for trade or have in his possession for such use any capacity serving measure prescribed by regulation 3 which has not been passed as fit for such use, or treated to have been so passed in accordance with regulation 18, and which does not bear a stamp or a manufacturer's mark indicating that it has been, or has been treated to have been, so passed which remains undefaced otherwise than by reason of fair wear and tear. The penalty on summary conviction for these offences is a fine not exceeding level 3 on the standard scale (currently £400) and the capacity serving measure in respect of which such an offence is committed is liable to forfeiture.

Copies of the British Standard Specifications referred to in regulation 18(3)(a) and (b) can be obtained from the British Standards Institution, Linford Wood, Milton Keynes, MK14 6LE.