
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 113

WEIGHTS AND MEASURES

**Measuring Equipment (Liquid Fuel and
Lubricants) Regulations (Northern Ireland) 1998**

Made - - - - *19th March 1998*

Coming into operation *20th April 1998*

The Department of Economic Development, in exercise of the powers conferred by Articles 9(1) and (3), 10(6) and 13(1) of the Weights and Measures (Northern Ireland) Order 1981⁽¹⁾ and now vested in it⁽²⁾ and of every other power enabling it in that behalf, hereby makes the following Regulations:

Part I

GENERAL

Citation, commencement, interpretation and revocation

1.—(1) These Regulations may be cited as the Measuring Equipment (Liquid Fuel and Lubricants) Regulations (Northern Ireland) 1998 and shall come into operation on 20th April 1998.

(2) In these Regulations—

“certificate of approval” means a certificate of approval of a pattern of measuring equipment granted or renewed by the Department under Article 10 of the Order or any instrument having effect under Article 11(5) of the Order as if it were a certificate of approval so granted on 4th April 1979 or a certificate of approval of a pattern of measuring equipment deemed under Article 10(8) of the Order to have been granted and published under the provisions of Article 10;

“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 equipment for measuring volume other than a capacity measure (“the main equipment”) and includes in each case so far as it constitutes measuring equipment for the purposes of the Order, ancillary equipment associated with the main

(1) [S.I. 1981/231 \(N.I. 10\)](#)

(2) [By S.I. 1982/846 \(N.I. 11\)](#) Art. 4

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equipment and other equipment physically or otherwise connected to the main equipment whether or not such equipment has been so connected to ensure correct measurement or is intended to facilitate the operation of the main or any 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 caused to be published by the Secretary of State giving particulars of a pattern in respect of which a certificate of approval has been granted;

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

“prescribed limits of error” has the meaning set out in regulation 15;

“the stamp” means the stamp prescribed by the Weights and Measures (Prescribed Stamp) Regulations (Northern Ireland) 1969⁽³⁾; and

“test liquid” shall be construed in accordance with regulation 8.

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

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

(4) The Measuring Equipment (Liquid Fuel and Lubricants) Regulations (Northern Ireland) 1989⁽⁴⁾ are hereby revoked.

Application of Regulations and prescription of equipment

2.—(1) Subject to paragraph (2), 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 100 L, 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 Article 9(1) of the Order.

(2) These Regulations shall not 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 liquid fuel to a constant nominal capacity, the quantities being kept separate.

Part II

PRINCIPLES OF CONSTRUCTION AND MANNER OF USE OF MEASURING EQUIPMENT FOR LIQUID FUEL

Construction of certain equipment

3. All measuring equipment fitted with a price to pay indicating device in digital form shall be so constructed that it cannot indicate during a measuring operation a part of a penny in the amount of the price to be paid by the buyer.

(3) [S.R. & O. \(N.I.\) 1969 No. 11](#)

(4) [S.R. 1989 No. 169](#) as amended by [S.R. 1995 No. 228](#)

Approved patterns of construction and identification marks

4.—(1) All measuring equipment shall be made in accordance with a pattern in respect of which a certificate of approval is in force.

(2) Subject to paragraph (3), measuring equipment submitted for testing with a view to passing as fit for use for trade 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.” or “Cert. No.” or “Notice No.” or “DED Certification No.” or “DED Cert. No.” as the case may be.

(3) Paragraph (2) shall not apply to any measuring equipment which was first submitted for testing before 1st May 1982.

Arrangement of sales indicator

5. 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.

Display of information to the buyer

6.—(1) Subject to paragraphs (2) and (3), 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) 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) 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

7. All measuring equipment shall be used for trade in such a manner that—

- (a) every individual sales indicator shall be set to zero before a delivery commences; and
- (b) 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.

Part III

TESTING

Testing under practical working conditions

8. 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 aspects 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.

Testing dependent on completeness of equipment

9. Measuring equipment shall not be tested unless it is complete with all its parts as described in any certificate of approval relating to it and which is in force or in any notice of examination.

Testing of measuring equipment

10.—(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) 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 and 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 paragraphs (1)(b) and (2)(b), measuring equipment which has been tested, passed as fit for use for trade and stamped in accordance with those paragraphs 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.

Pre-testing requirements for measuring equipment with discharge hoses

11.—(1) Subject to paragraph (2), 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 “hose” includes rigid pipe work.

Power of inspector to request provision of test liquid and other equipment

12. 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 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, make available for the inspector's use such test liquid and other equipment in his possession as the inspector may reasonably require; and any test liquid so made available shall be returned to the person in question or be placed in a suitable receptacle reasonably convenient for the purpose and nominated and provided by the proprietor or person in charge of the equipment.

Power of inspector to open tanks and containers

13.—(1) An inspector may open any locked or sealed tank or container for the purpose of testing any measuring equipment or for 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 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.

Duty of inspector to reseal tanks and containers

14. An inspector shall securely re-fasten any tank or container opened under regulation 13(1) immediately after the conclusion of the test and the return of any test liquid withdrawn during testing or the placing of it in another receptacle; and for this purpose he shall replace any seal or link broken by him in opening the tank or container with a seal upon which he shall affix the stamp.

Prescribed limits of error

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

(2) In the case of measuring equipment other than equipment constructed to deliver a fixed quantity only, the prescribed limits of error where the testing relates to a quantity equivalent to the minimum delivery of the equipment shall be those set out in Table 2 in the Schedule 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 quantity shall never be less than that prescribed for the quantity equivalent to the minimum delivery of the equipment set out in 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 measuring 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 adjustment was made),

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

(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 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 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 2mm 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.

Measuring equipment imported from another member State or an EEA State

16.—(1) In relation to measuring equipment imported into Northern Ireland from another member State or 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 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(5).

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

(5) 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”.

- (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.

Passing as fit for use for trade

- 17.—(1) Measuring equipment shall not 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 2 in the Schedule as appropriate, having regard to the dynamic viscosity of the test liquid employed, 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 16, the test report recites and the test data confirm to the satisfaction of the inspector that on testing in the relevant member State or EEA State it fell within the prescribed limits of error; and
 - (b) it complies with all the relevant requirements of these Regulations.

Part IV

STAMPING

Provision of stamping and sealing devices on equipment

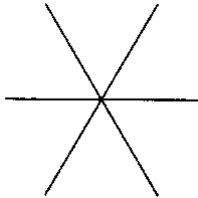
18. All measuring equipment shall be provided with one or more plugs, seals or sealing devices in order to protect all stops or other adjustable parts effecting the quantity delivered, such plugs, seals or sealing devices to be as described in any certificate of approval relating to it and which is in force or in any notice of examination; and the stamp shall be placed on all such plugs, seals or sealing devices.

Restriction on stamping

19. Measuring equipment shall not be stamped in accordance with regulation 18 if it bears any mark which might reasonably be mistaken for the stamp.

Obliteration of stamps

20. 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:



Powers and duties of inspector regarding obliteration of stamps

21.—(1) Subject to paragraph (2), 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 2 in the Schedule 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), 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 17.

(4) Subject to paragraphs (5) and (6), where any measuring equipment has, since it was last stamped, been the subject of any adjustment, alteration, addition, repair or replacement which could have affected its accuracy or function, the inspector 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) 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) 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 paragraphs (1)(b) or (2)(b) of regulation 10, an inspector shall not obliterate the stamp under paragraph (3) or (4) 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.

Consequence of the destruction, obliteration or defacement of a stamp

22.—(1) For the purposes of these Regulations, the destruction, obliteration 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 destroyed, obliterated or defaced 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 destroyed, obliterated or defaced under regulation 23 or 24.

(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) applies, the part of it in question is out of order.

Lawful use for trade of equipment where stamps destroyed, obliterated or defaced for purposes of price adjustment

23.—(1) It shall be lawful to destroy, obliterate or deface a stamp on any measuring equipment, and it shall not be a contravention of Article 9(2) of the Order 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 litre;
 - (c) the occurrence was only to permit an adjustment of that device and that indicator; and
 - (d) notification of the occurrence in writing and complying with paragraph (2) 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.
- (2) The notification referred to in paragraph (1) 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); and
 - (d) the name and address of the person giving the notification.

(3) In paragraph (1) “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.

Lawful use for trade of equipment where stamps destroyed, obliterated or defaced for purposes of metrication of equipment

24.—(1) It shall be lawful to destroy, obliterate or deface a stamp on any measuring equipment, and it shall not be a contravention of Article 9(2) of the Order 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 of the occurrence in writing and complying with paragraph (2) 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.
- (2) The notification referred to in paragraph (1) 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);
 - (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).
- (3) In paragraph (1) “relevant period” means—
- (a) where the stamp on the measuring equipment protecting the calibration of the measuring device remains intact and notification has been given in accordance with that paragraph of the fact that some other stamp has been destroyed, obliterated or defaced, 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.

Sealed with the Official Seal of the Department of Economic Development

L.S.

on 19th March 1998.

A. L. Brown
Assistant Secretary

SCHEDULE

regulations 15 and 21

Prescribed Limits of Error**Table 1****Prescribed limits of error ordinarily applicable on testing for quantities above the minimum delivery of the equipment**

<i>Quantity indicated</i>	<i>In relation to passing as fit for use for trade, in excess or in deficiency</i>		<i>In relation to obliteration of the stamp</i>	
	<i>Dynamic viscosity ≤ 1000 mPa.s</i>	<i>Dynamic viscosity > 1000 mPa.s</i>	<i>Dynamic viscosity ≤ 1000 mPa.s</i>	<i>Dynamic viscosity > 1000 mPa.s</i>
Less than 0.1 L	2 mL	4 mL	4 mL in excess 2 mL in deficiency	8 mL in excess 4 mL in deficiency
From 0.1 L to 0.2 L	2% of the quantity indicated	4% of the quantity indicated	4% in excess 2% in deficiency	8% in excess 4% in deficiency
From 0.2 L to 0.4 L	4 mL	8 mL	8 mL in excess 4 mL in deficiency	16 mL in excess 8 mL in deficiency
From 0.4 L to 1 L	1% of the quantity indicated	2% of the quantity indicated	2% in excess 1% in deficiency	4% in excess 2% in deficiency
From 1 L to 2 L	10 mL	20 mL	20 mL in excess 10 mL in deficiency	40 mL in excess 20 mL in deficiency
2 L or more	0.5% of the quantity indicated	1% of the quantity indicated	1% in excess 0.5% in deficiency	2% in excess 1% in deficiency

Table 2**Prescribed limits of error ordinarily applicable on testing for quantities equivalent to the minimum delivery of the equipment only**

<i>Quantity indicated</i>	<i>In relation to passing as fit for use for trade, in excess or in deficiency</i>		<i>In relation to obliteration of the stamp</i>	
	<i>Dynamic viscosity ≤ 1000 mPa.s</i>	<i>Dynamic viscosity > 1000 mPa.s</i>	<i>Dynamic viscosity ≤ 1000 mPa.s</i>	<i>Dynamic viscosity > 1000 mPa.s</i>
Less than 0.1 L	4 mL	8 mL	8 mL in excess	16 mL in excess

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Quantity indicated	In relation to passing as fit for use for trade, in excess or in deficiency		In relation to obliteration of the stamp	
	Dynamic viscosity ≤ 1000 mPa.s	Dynamic viscosity > 1000 mPa.s	Dynamic viscosity ≤ 1000 mPa.s	Dynamic viscosity > 1000 mPa.s
			4 mL in deficiency	8 mL in deficiency
From 0.1 L to 0.2 L	4% of the quantity indicated	8% of the quantity indicated	8% in excess 4% in deficiency	16% in excess 8% in deficiency
From 0.2 L to 0.4 L	8 mL	16 mL	16 mL in excess 8 mL in deficiency	32 mL in excess 16 mL in deficiency
From 0.4 L to 1 L	2% of the quantity indicated	4% of the quantity indicated	4% in excess 2% in deficiency	8% in excess 4% in deficiency
From 1 L to 2 L	20 mL	40 mL	40 mL in excess 20 mL in deficiency	80 mL in excess 40 mL in deficiency
2 L or more	1% of the quantity indicated	2% of the quantity indicated	2% in excess 1% in deficiency	4% in excess 2% in deficiency

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations replace with amendments the Measuring Equipment (Liquid Fuel and Lubricants) Regulations (Northern Ireland) 1989 (“the 1989 Regulations”) and take account of International Recommendation R117 “Measuring Systems for Liquids Other Than Water” issued by the International Organisation for Legal Metrology and available from the Organisation at 11 rue Turgot, Paris, 75009, France.

The Regulations apply to equipment used for trade, for any purpose, to measure liquid fuel (other than liquefied petroleum gas) in a quantity of 100 litres or less. However, they do not apply to measuring equipment for automatic measuring of constant nominal quantities (see regulation 2).

The Regulations make provision as to the principles of construction and marking of measuring equipment, the inspection, testing, passing as fit for use for trade and stamping of such equipment (and obliteration of stamps on such equipment), and prescribe limits of error. They prescribe such equipment for the purposes of Article 9(1) of the Weights and Measures (Northern Ireland) Order 1981 (“the Order”) so that it is unlawful to use it for trade purposes unless it has been tested, passed as fit for such use and stamped by an inspector of weights and measures.

The Regulations, in revoking the 1989 Regulations, repeat their provisions subject to the following changes of substance—

- (a) Provision is made for liquid fuel measuring equipment to be tested with a liquid other than, but similar to, that which it is intended to deliver (regulation 8).
- (b) Provision is made for testing and stamping of:
 - (i) permanently fixed equipment to be carried out at the place of manufacture (regulation 10(1)(b)); and
 - (ii) all other equipment to be carried out either at the place where it is to be used or in conditions which are in all material respects the same as those at the place at which it is to be installed for use (regulation 10(2)).
- (c) The prescribed limits of error in relation to passing as fit for use for trade are relaxed and provision is made for different limits of error to apply to liquid fuels having different dynamic viscosities (regulation 15(1)).
- (d) Provision is made for the acceptance of test results for measuring equipment imported from other member States of the European Union or contracting parties to the European Economic Area Agreement (regulation 16).
- (e) Provision is made for the inspector not to obliterate the stamp, in certain circumstances, when certain components of the measuring equipment or its ancillary equipment are removed or replaced (regulation 21(5)).
- (f) The provisions relating to the obliteration of stamps on measuring equipment having more than one stamp are clarified (regulation 22(1)(a)) and provision is made for the inspector to affix a notice indicating that part of the equipment is out of order (regulation 22(2)).

Contravention of regulation 6 or 7 is an offence under Article 13(1) of the Order.

It is also an offence under Article 9(2) of the Order for a person to use for trade or have in his possession for such use any measuring equipment prescribed by regulation 2 which has not been passed as fit for such use and which, except as is otherwise expressly provided by or under the Order, does not bear a stamp indicating that it has been so passed which remains undefaced otherwise than by reason of fair wear and tear.

In the case of both permanently fixed and all other equipment required by regulations 10(1)(a) and 10(2)(a) to be passed and stamped after it has been erected and installed at the place where it is to be used, it is an offence under Article 9(11) of the Order knowingly to use such equipment if it has been dismantled and reinstalled, whether in the same or some other place, unless it has been passed after such reinstallation.

It is also an offence knowingly to cause or permit any other person so to use such permanently fixed and all other equipment or, knowing that it has to be passed again, to dispose of it to some other person without informing him of that requirement.

In the case of permanently fixed equipment required by regulation 10(1)(b) to be passed and stamped after it has been erected 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, it is an offence under Article 13(1) of the Order to use such equipment if it has subsequently been dismantled before completion of its installation at the place where it is to be used and such dismantling is likely to have affected its performance.

In the case of all other equipment required by regulation 10(2)(b) to be passed and stamped after it has been erected in conditions which are in all material respects the same as those at the place at which it is to be installed for use, it is an offence under Article 13(1) of the Order to use such equipment if it has subsequently been dismantled before completion of its installation at the place where it is to be used and such dismantling is likely to have affected its performance.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The penalty on summary conviction for all these offences is a fine not exceeding level 3 on the standard scale (currently £1,000) and the measuring equipment in respect of which the offence is committed is liable to forfeiture.

Copies of EN 45001 (BS 7501) referred to in regulation 16(3) may be obtained from any of the sales outlets operated by the British Standards Institution (BSI) or by post from BSI at Linford Wood, Milton Keynes, MK14 6LE.

These Regulations have been notified to the European Commission pursuant to Council Directive [83/189/EEC](#) (O.J. No. L109, 26.4.83, p. 8) as amended by Council Directive [88/182/EEC](#) (O.J. No. L81, 26.3.88, p. 75) and European Parliament and Council Directive [94/10/EC](#) (O.J. No. L100, 19.4.94, p. 30) which lays down a procedure for the provision of information in the field of technical standards and regulations.