

**2007 No. 390**

**WEIGHTS AND MEASURES**

**The Measuring Instruments (Material Measures of Length) (Use for Trade) Regulations (Northern Ireland) 2007**

*Made* - - - - - *31st August 2007*

*Coming into operation* - - - - - *15th October 2007*

The Department of Enterprise, Trade and Investment<sup>(a)</sup> makes the following Regulations in exercise of the powers conferred by Article 13(1) of the Weights and Measures (Northern Ireland) Order 1981<sup>(b)</sup> and now vested in it<sup>(c)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the Measuring Instruments (Material Measures of Length) (Use for Trade) Regulations (Northern Ireland) 2007 and shall come into operation on 15th October 2007.

**Interpretation**

2. In these Regulations—

“the 2006 Regulations” means the Measuring Instruments (Material Measures of Length) Regulations 2006<sup>(d)</sup>;

“essential requirements” means the requirements of Annex I and Annex MI-008 as set out in Schedule 1 to the 2006 Regulations;

“material measure of length” means an instrument comprising scale marks whose distances are given in legal units of length; and

“place on the market” means making available for the first time in a member State a material measure of length intended for an end user, whether for reward or free of charge.

**Application**

3.—(1) Subject to paragraphs (2) and (3), these Regulations apply to any material measure of length referred to in regulation 3(1) of the 2006 Regulations.

(2) These Regulations do not apply to a material measure of length—

(a) which has been first passed as fit for use for trade and stamped before 15th October 2007 under the Measuring Equipment (Measures of Length) Regulations (Northern Ireland) 1986<sup>(e)</sup>; and

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(a) Formerly the Department of Economic Development; see S.I. 1999/283 (N.I. 1), Art. 3(5)

(b) S.I. 1981/231 (N.I. 10) as amended by 2000 c. 5 (N.I.)

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

(d) S.I. 2006/1267

(e) S.R. 1986 No. 308 as amended by S.R. 1995 No. 228 and S.R. 1999 No. 160

(b) which is placed on the market before that date.

(3) These Regulations do not apply to a material measure of length to which the 2006 Regulations do not apply by virtue of regulation 3(3) to (5) thereof.

#### **Requirements for use for trade**

4. A person shall not use for trade a material measure of length unless—

- (a) it is compliant with the essential requirements other than the provisions relating to the limits of maximum permissible error referred to in paragraph 14 of Schedule 1 to the 2006 Regulations;
- (b) the measure operates within twice the limits of maximum permissible error set out in paragraph 14 of Schedule 1 to the 2006 Regulations; and
- (c) the requirements of regulation 5 are complied with.

#### **Manner of use**

5.—(1) Where a material measure of length is marked with a temperature range, it shall not be used for trade in temperatures outside that range.

(2) Where a measure bears an inscription which signifies the manner and purpose of use, it shall not be used for trade in a manner or for a purpose which does not accord with that inscription.

(3) A person shall not use a material measure of length for trade in such manner as to expose it to environmental or other influences which may adversely affect its accuracy or function.

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 31st August 2007.



*M. Bohill*

A senior officer of the Department of Enterprise, Trade and Investment

## **EXPLANATORY NOTE**

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

These Regulations deal with certain requirements relating to the use for trade of material measure of lengths, the determination of their maximum permissible error and the manner of their use. Failure to comply with these requirements is an offence under Article 13(1) of the Weights and Measures (Northern Ireland) Order 1981.

The Regulations have been notified to the European Commission in draft pursuant to Directive 98/34/EC (O.J. No. L204, 21.7.1998, p. 37) as amended by Directive 98/48/EC (O.J. No. L217, 5.8.1998, p.18) which lays down a procedure for the provision of information in the field of technical standards and regulations.