
STATUTORY INSTRUMENTS

1993 No. 2060

WEIGHTS AND MEASURES

**The Capacity Serving Measures (Intoxicating
Liquor) (Amendment) Regulations 1993**

Made - - - - *14th August 1993*
Laid before Parliament *18th August 1993*
Coming into Force - - *20th September 1993*

The Secretary of State, in exercise of his powers under sections 11(1) to (4), 15(1) and (2) and 86(1) of the Weights and Measures Act 1985(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

1. These Regulations may be cited as the Capacity Serving Measures (Intoxicating Liquor) (Amendment) Regulations 1993 and shall come into force on 20th September 1993.

2. The Capacity Serving Measures (Intoxicating Liquor) Regulations 1988(2) are hereby amended in Parts II, III and IV as follows:

- (a) in regulation 7, by deleting from paragraph (1) sub-paragraph (b)(iii), (iv) and (v) and deleting paragraph (2);
- (b) by deleting regulation 10(2) and substituting the following:
 - “(2) The nominal capacity shall be marked in characters—
 - (a) in the case of a brim measure, adjacent to the brim;
 - (b) in the case of a line measure, at the line denoting the nominal capacity.”;
- (c) by inserting, after regulation 17, the following regulation:

“17A.—(1) In relation to capacity serving measures imported into Great Britain from another member State, subject to paragraph (4) below, an inspector shall not carry out any test in accordance with the provisions of regulations 11 to 17 above if, together with the measures being imported, he is presented with the requisite documentation.

(2) In this regulation and in regulation 20 below “requisite documentation” means—

- (a) the test report of an approved body that the capacity measures which are the subject of that report have been tested on the same basis as those set out in regulations 11 to 17 above and stating which tests have been applied to them; and

(1) 1985 c. 72.
(2) S.I.1988/120.

(b) the test results relating to those tests.

(3) A body is an “approved body” for the purposes of this regulation if it is a body in a member State which has the responsibility in that State for metrological control of capacity serving measures or is a laboratory which has been accredited in a member State as being a body which conforms with the criteria set out in EN 45001⁽³⁾.

(4) Nothing in this regulation shall prevent an inspector testing in accordance with regulations 11 to 17 above where he is not satisfied—

(a) as to the authenticity of the test report or the test results presented to him; or

(b) that the test results presented to him are results which in fact relate to the capacity serving measures being imported.”;

(d) in regulation 20(b), by adding “; or” after the words “as the case may be” and inserting a new sub-paragraph (c) as follows:

“(c) (i) where the requisite documentation is presented in accordance with regulation 17A above, the test report recites and the test data confirm to the satisfaction of the inspector that on testing in the relevant member State it falls within the prescribed limits of error; and

(ii) subject to regulation 10(5) above, it complies with all the appropriate requirements of these Regulations; and

(iii) the inspector is of the opinion that it is not constructed in a manner which facilitates fraudulent use and that it does not bear any decorations or designs which might cause confusion in use.”; and

(e) in the Schedule, by deleting column (3) from Table 1 and columns (3), (4) and (5) from Table 2.

14th August 1993

Neil Hamilton
Parliamentary Under-Secretary of State,
Department of Trade and Industry

(3) EN 45001 is a European Standard which has the status of a British Standard; it is identical to BS 7501 (ISBN 0 580 17939 7), “General criteria for the operation of testing laboratories”, published by the British Standards Institution and with effect from 31 October 1989.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Capacity Serving Measures (Intoxicating Liquor) Regulations 1988: (i) by removing the obligations to mark a line of a particular thickness and of a minimum length and at a minimum distance from the brim of line measures (regulation 2(a) and (e)), (ii) by removing the obligation to mark the nominal capacity of brim and line measures in characters of a minimum height (regulation 2(b) and (e)), and (iii) to avoid the duplicate testing of capacity serving measures imported from other member States of the European Community 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 (regulation 2(c) and (d)).

Copies of EN 45001 (BS 7501) referred to in regulation 2(c) 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.