STATUTORY INSTRUMENTS

2009 No. 2463

WEIGHTS AND MEASURES

The Measuring Equipment (Intoxicating Liquor) (Amendment) Regulations 2009

Made - - - -	*3rd September 2009*
Laid before Parliament	*9th September 2009*
Coming into force - -	*1st October 2009*

The Secretary of State, in exercise of the powers conferred by sections 15(1) and (2) and 86(1) of the Weights and Measures Act 1985(**a**), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Measuring Equipment (Intoxicating Liquor) (Amendment) Regulations 2009 and come into force on 1st October 2009.

Amendments to the Measuring Equipment (Intoxicating Liquor) Regulations 1983

2. The Measuring Equipment (Intoxicating Liquor) Regulations 1983(**b**) are amended as follows.

3. In paragraph (2) of regulation 1, after the definition of "certificate of approval" insert the following definition—

> ""fixed chamber measuring equipment" means any measuring equipment for use in measuring liquor other than beer or cider containing a fixed chamber or chambers which separately or together measure the nominal quantity,".

4. In regulation 9, after "the inspector" insert "or approved verifier".

5. After regulation 11 insert the following—

> "**11A.** Subject to Regulation 11B, every item of measuring equipment shall be tested by an inspector or approved verifier in accordance with the methods set out in Regulation 12.
>
> **11B.**—(1) Where a group of items of fixed chamber measuring equipment of the same design, the same manufacture and designed to deliver the same nominal quantity 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 person submitting the equipment, be confined to a number of items of fixed chamber measuring equipment as determined and selected in accordance with paragraph (3).
>
> (2) The conditions referred to in paragraph (1) are—

(**a**) 1985 c.72.
(**b**) S.I. 1983/1656, amended by S.I. 1984/273, S.I. 1994/1851 and S.I. 2001/85.

(a) the group is clearly identifiable and consists of items of fixed chamber measuring equipment produced in a single homogenous production run where the items are manufactured in the same place during a period or periods in which the conditions under which the items are manufactured do not alter; and

(b) the group is accompanied by records of the production process and of any subsequent action taken by the manufacturer which are adequate to show that the items in the group are likely to fall within the prescribed limits of error.

(3) The number of items of fixed chamber measuring equipment referred to in paragraph (1) shall be determined and the items shall be selected in accordance with the sampling procedures referred to in paragraph (4)(a) using samples which the inspector or the approved verifier considers to be representative.

(4) The sample of items of fixed chamber measuring equipment selected in accordance with paragraph (3) shall be tested –

(a) in accordance with the British Standard specification for sampling procedures for inspection by attributes BS6001:2006(**a**) or an International Standard which provides sampling procedures for inspection by attributes to an acceptable quality level equivalent to that contained in BS 6001:2006; and

(b) to determine whether the items fall within the prescribed limits of error,

and such test shall provide an acceptable quality level of not more than 1 per cent.

(5) If the sample of items satisfies the test in paragraph (4) ("a satisfactory sample") then each of the other items of fixed chamber measuring equipment in the group shall be treated as falling within the prescribed limits of error but where there are items in the satisfactory sample which do not satisfy the test in paragraph (4) those items shall not be passed as fit for use for trade.".

6. In regulation 12 after "the inspector" in each place where it appears insert "or approved verifier".

Drayson
Minister for Science and Innovation
Department for Business, Innovation and Skills

3rd September 2009

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Measuring Equipment (Intoxicating Liquor) Regulations 1983 (SI 1983/1656) ("the Regulations").

Under the Regulations, all measuring equipment manufactured for use for trade on premises where intoxicating liquor is sold by retail must be tested in accordance with the Regulations before it may be passed as fit for use for trade.

Regulation 5 amends the Regulations to provide that in relation to fixed chamber measuring equipment (as defined in regulation 3) a person may, instead of submitting each item of measuring equipment to be tested, submit a sample of items to be tested. If the sample passes the appropriate tests then all items in the group will be treated as having passed the tests and therefore will be passed as fit for use for trade (except for any items in the sample which have not passed the relevant tests). New regulation 11B sets out the conditions which apply before a group of items

(**a**) ISBN No. 0 580 49315 6, published by the British Standards Institution on 31st October 2006.

may be submitted for testing and also specifies how the number of items is determined and selected and provides that the test must provide an acceptable quality level of not more than 1 per cent.

These regulations also provide that the testing of equipment may be undertaken either by an inspector or by an approved verifier (as defined in section 11(6A) of the Weights and Measures Act 1985).

Copies of British Standards are available via the BSI website or by post from BSI, 389 Chiswick High Road, London, W4 4AL.

These Regulations were notified in draft to the European Commission in accordance with Directive 98/34/EC of the Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations (OJ No L204, 21.7.98,p37) as amended by Directive 98/48/EC (OJ No L217, 5.8.98, p18).

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the National Measurement Office, Stanton Avenue, Teddington, Middlesex, TW11 0JZ and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website. Copies have also been placed in the libraries of both Houses of Parliament.

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