STATUTORY INSTRUMENTS

1983 No. 1656

WEIGHTS AND MEASURES

The Measuring Equipment (Intoxicating Liquor) Regulations 1983

Made - - - -	*8th November* 1983
Laid before Parliament	*17th November* 1983
Coming into Operation	*1st April* 1984

The Secretary of State, in exercise of the powers conferred by sections 11(1) and (3), 12(4), 14(1), 54(1) and 58 of the Weights and Measures Act 1963(**a**) and now vested in him(**b**), and of all other powers enabling him 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 (Intoxicating Liquor) Regulations 1983 and shall come into operation on 1st April 1984.

(2) In these Regulations—

"the Act" means the Weights and Measures Act 1963;

"certificate of approval" means a certificate of approval of a pattern of measuring equipment granted or renewed by the Secretary of State under section 12 of the Act or any instrument having effect under section 12A(5) as if it were a certificate of approval so granted on 4th April 1979;

"liquor" means intoxicating liquor;

"manager" means, where any measuring equipment is being tested at the premises on which it was manufactured, a person exercising managerial functions at those premises or his authorised representative and, where any measuring equipment is being tested on licensed premises, the licensee, or, in his absence, his representative authorised for the time being to be in charge of the equipment;

"measuring equipment" means any measuring equipment, other than a capacity measure, including a measuring device, ancillary equipment

(**a**) 1963 c.31, as amended by the Weights and Measures &c. Act 1976 (c.77) and the Weights and Measures Act 1979 (c.45).
(**b**) S.I. 1970/1537.

associated with it and any other equipment physically or otherwise connected to it whether or not such equipment has been connected to ensure correct measurement or is intended to facilitate operation of the measuring device and ancillary equipment;

"nominal quantity" means the quantity of liquor which the measuring equipment is designed to deliver;

"notice of examination" means a notice of examination 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;

"prescribed limits of error" has the meaning set out in Regulation 14 below; and

"the stamp" means the prescribed stamp(**a**).

(3) The Measuring Instruments (Intoxicating Liquor) Regulations 1965(**b**) and the Measuring Instruments (Intoxicating Liquor) (Amendment) Regulations 1979(**c**) are hereby revoked.

Application

2. These Regulations apply to measuring equipment for use for trade on premises where liquor is sold by retail for the purpose of making any measurement of liquor in a quantity not exceeding one quart; and measuring equipment to which these Regulations apply is hereby prescribed for the purposes of section 11(1) of the Act.

PART II

PRINCIPLES OF CONSTRUCTION AND MARKING OF MEASURING EQUIPMENT

3. All measuring equipment shall be made in accordance with a pattern in respect of which a certificate of approval is in force.

4. All measuring equipment may, where first submitted for testing with a view to passing as fit for use for trade before 1st October 1984, and shall, where first submitted for such testing on or after that date, be legibly and durably marked with the number of the certificate of approval or of the notice of examination in respect of the pattern in accordance with which it is made, preceded by the words "Certification No.", "Cert No." or "Notice No." as the case may be.

5. All measuring equipment shall have every marking, notice, inscription or indication referring to the method of operation or to its nominal quantity conspicuously, legibly and durably marked in a suitable position on the equipment in plain block characters on a plain background and in distinct contrast thereto.

(**a**) *See* S.I. 1968/1615.
(**b**) S.I. 1965/1815.
(**c**) S.I. 1979/41.

6. All measuring equipment shall be legibly and durably marked with the name of its manufacturer or supplier.

7. All measuring equipment shall—

(a) subject to paragraphs *(b)* and *(c)* below, have marked on it an indication of its nominal quantity or quantities in full, or in such an abbreviated or alternative form as is permitted in accordance with the Table below;

FORM OF INDICATION OF NOMINAL QUANTITY	
Nominal Quantity	Abbreviated or permitted alternative
One-sixth gill	$^1/_6$ gill
One-fifth gill	$^1/_5$ gill (or 1 fl oz)
Quarter gill	$^1/_4$ gill
One-third gill	$^1/_3$ gill
Two-fifths gill	$^2/_5$ gill (or 2 fl oz)
Half gill	$^1/_2$ gill
Gill	$^1/_4$ pt
One-third pint	$^1/_3$ pt
Half pint	$^1/_2$ pt
Pint	pt
Quart	qt
Quarter litre	$^1/_4$ litre (or 25 cl or 250 ml)

(b) paragraph *(a)* above shall not apply in the case of beer and cider where the nominal quantity is half a pint; and

(c) where its nominal quantity is indicated in metric units of measurement (other than the quarter litre), have marked on it an indication of its nominal quantity or quantities—

(i) in words, symbols or figures;

(ii) of one litre or more, entirely in terms of litres and decimal fractions of a litre, and no abbreviation of "litre" may be used; and

(iii) of less than one litre, entirely in terms of centilitres and decimal fractions of a centilitre or entirely in terms of millilitres, and such units may be indicated by the symbols "cl" or "ml" only as the case may require.

8.—(1) All measuring equipment for use in measuring liquor other than beer or cider shall be fitted—

(a) with adequate sight glasses, observation windows or other devices for showing clearly that any measuring chamber is properly charged and discharged; or

(b) with a device or devices which prevent—

(i) any liquid being discharged by any measuring chamber until the chamber is properly charged; and

(ii) any measuring chamber being charged anew until it has been properly discharged.

(2) All measuring equipment for use in measuring beer or cider shall be fitted with a device or devices mentioned in paragraph (1)*(b)* above.

PART III

TESTING

9. Before testing any measuring equipment, the inspector shall ensure that—

(a) the equipment is complete with all its parts as described in the certificate of approval or notice or examination, as the case may be;

(b) liquid has first been passed through the equipment or that the equipment is fully primed; and

(c) when it is fully primed no leakage is apparent.

10.—(1) All measuring equipment tested on any premises on which it is used for trade shall be tested with the liquor it is designed to deliver.

(2) All other measuring equipment shall be tested with the liquor it is designed to deliver or with water.

11. For the purposes of the performance by an inspector of his functions under the Act 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, provide for the inspector's use such material as the inspector may reasonably require, and any material so provided shall be returned to the person in question.

12.—(1) The inspector shall test measuring equipment by causing it to deliver both the minimum and the maximum quantities which it is capable of measuring in a single operation, or if the equipment is capable of measuring only one quantity in a single operation, the inspector shall cause it to deliver that quantity.

(2) The inspector may also, if he thinks fit, cause the equipment to deliver any quantity which it is capable of measuring in a single operation between the minimum and maximum quantities.

(3) The inspector may cause the equipment to deliver any quantity such number of times as he may determine.

(4) The inspector shall determine which of the quantities delivered by the equipment are to be treated as relevant for the purposes of determining whether the equipment falls within the prescribed limits of error.

13.—(1) An inspector may open any locked or sealed container for the purpose of testing any measuring equipment or for the return of liquor withdrawn during testing, and any liquor so withdrawn shall, upon the conclusion of the test, be forthwith returned to the container from which it was withdrawn if the inspector is of the opinion that it is practicable and desirable so to do and the manager does not object; otherwise, it shall be placed in another receptacle reasonably convenient for the purpose and nominated and provided by the manager.

(2) The inspector shall, if requested, furnish to the manager a signed and dated statement of the quantity of liquor withdrawn from the container and returned or placed as mentioned in paragraph (1) above.

PART IV

SUPPLEMENTARY PROVISIONS

Prescribed limits of error

14.—(1) The prescribed limits of error on the testing of any measuring equipment shall be those set out in the Table below.

Nominal Quantity	In relation to passing as fit for use for trade, in excess or in deficiency	In relation to obliteration of the stamp
At least $^1/_6$ gill but not exceeding $^1/_2$ gill	0.7 millilitre	1.4 millilitres in excess. 0.7 millilitre in deficiency.
Exceeding $^1/_2$ gill but less than $^1/_2$ pint	1% of the nominal quantity	2% of the nominal quantity in excess. 1% of the nominal quantity in deficiency.
At least $^1/_2$ pint but less than 1 pint	3 millilitres	6 millilitres in excess. 3 millilitres in deficiency.
At least 1 pint but not exceeding 1 quart	0.5% of the nominal quantity	1% of the nominal quantity in excess. 0.5% of the nominal quantity in deficiency.

(2) In determining whether measuring equipment falls within the prescribed limits of error, account shall be taken only of the quantity of liquid delivered by the equipment.

Passing as fit for use for trade

15. No measuring equipment shall be passed as fit for use for trade unless:—

(a) it complies with all the appropriate requirements of these Regulations; and

(b) it measures the liquid delivered by the equipment 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.

Stamping

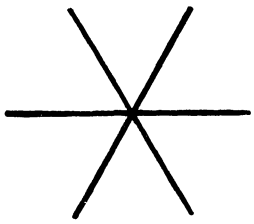
16.—(1) All measuring equipment shall be provided with one or more plugs, seals or sealing devices of suitable form and material to protect all stops or other adjustable parts affecting the quantity delivered, or with such alternative sealing arrangements as may be authorised by the Secretary of State in relation to the pattern as set out in the certificate of approval in force or in the notice of examination.

(2) The stamp shall be placed on every plug, seal or sealing device authorised in accordance with paragraph (1) above.

17. No measuring equipment shall be stamped in accordance with Regulation 16(2) above if it bears any mark which, in the opinion of the inspector, might reasonably be mistaken for the stamp.

Obliteration of stamps

18. 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:—



19.—(1) An inspector shall obliterate the stamp on any measuring equipment which—

(a) fails upon testing to measure the liquid delivered by the equipment 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; or

(b) fails to comply with any other appropriate requirement of these Regulations:

Provided that 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, he shall give to the manager a notice calling on him to have the equipment corrected within a stated period not exceeding 28 days, and shall obliterate the stamp if the correction has not been made within the stated period.

(2) An inspector shall obliterate the stamp on any 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 15 above.

(3) Where any measuring equipment is found by an inspector to leak, he shall obliterate the stamp on that equipment.

(4) Where any measuring equipment has, since it was last stamped, been the subject of any adjustment, alteration, addition, repair or replacement which could, in the opinion of the inspector, have affected its accuracy or function he may obliterate the stamp on that equipment.

20. For the purposes of these Regulations, the obliteration of any one stamp on any measuring equipment shall be deemed to be the obliteration of all other stamps on that equipment.

Alexander Fletcher,
Parliamentary Under-Secretary of State
Department of Trade and Industry.

8th November 1983.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations replace the Measuring Instruments (Intoxicating Liquor) Regulations 1965, as amended. They apply to all measuring equipment, other than capacity measures, for use for trade on premises where intoxicating liquor is sold by retail in the making of any measurement of intoxicating liquor in a quantity not exceeding 1 quart. They make provision as to the principles of construction, marking of measuring equipment, testing, passing as fit for use for trade and stamping of such equipment (and obliteration of stamps on such equipment), and the prescribed limits of error. The Regulations continue to prescribe this equipment for the purposes of section 11(1) of the Weights and Measures Act 1963 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 make the following changes of substance:—

(a) the measuring equipment to which the Regulations apply and which is prescribed for the purposes of section 11(1) of the Weights and Measures Act 1963 is for measuring intoxicating liquor in a maximum quantity of one quart, reduced from one gallon (Regulation 2);

(b) some detailed provisions on the principles of construction and the passing as fit for use for trade of measuring equipment have been omitted in order not to restrict technical developments and innovation (which will remain subject to pattern approval under section 12 of the Act) (Regulations 3 and 15*(a)*);

(c) the number of the certificate of approval or notice of examination of the pattern in accordance with which it is made must be marked on all measuring equipment first submitted on or after 1st October 1984 for testing with a view to being passed as fit for use for trade (Regulation 4);

(d) the prescribed limits of error refer to ranges of quantity of intoxicating liquor which the measuring equipment is designed to deliver instead of being related to individual quantities and on the testing of equipment with a view to passing it as fit for use for trade are bilateral instead of biased (Regulation 14(1));

(e) the inspector must obliterate the stamp on any measuring equipment which, since last stamped, has had any alteration or addition such that it could not be passed as fit for use for trade in accordance with the requirements of the Regulations (Regulation 19(2)).

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