STATUTORY INSTRUMENTS

1985 No. 209

WEIGHTS AND MEASURES

The Measuring Equipment (Liquid Fuel and Lubricants) (Amendment) Regulations 1985

Made - - - - -	18*th February* 1985
Laid before Parliament	26*th February* 1985
Coming into Operation	1*st April* 1985

The Secretary of State, in exercise of the powers conferred by sections 11(1) and (3), 12(4), 14(1), 54(1) and 58(1) 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:—

1. These Regulations may be cited as the Measuring Equipment (Liquid Fuel and Lubricants)(Amendment) Regulations 1985 and shall come into operation on 1st April 1985.

2. The Measuring Equipment (Liquid Fuel and Lubricants) Regulations 1983(**c**) are hereby amended as follows:—

(a) after Regulation 2, there shall be added the following Regulation:—

"*Purposes of use for trade*
2A. No person shall on or after 1st January 1986 use for trade any measuring equipment fitted with a price to pay indicating device in digital form if it indicates during a measuring operation a part of a penny in the amount of the price to be paid by the buyer.";

(b) the proviso to Regulation 16(1) shall be amended as follows:—

(i) for paragraph *(b)* there shall be substituted the following paragraph:—

"*(b)* where a quantity indicated by the measuring equipment is larger than the minimum delivery of the equipment, then the prescribed limit of error for the said quantity shall never be less than that prescribed for the quantity equivalent to the minimum delivery of the equipment set out in the said Table 2;";

(ii) in paragraphs *(d)* and *(e)*, the words "in deficiency" shall be

(**a**) 1963 c.31; section 11(3) was amended by the Weights and Measures Act 1979 (c.45), section 16(1)*(a)*, and a substituted section 11 was set out in Schedule 4 to that Act, and section 14(1) was amended by the Weights and Measures &c. Act 1976 (c.77), section 5.
(**b**) S.I. 1970/1537.
(**c**) S.I. 1983/592.

deleted and for the words "and the prescribed limits of error in excess shall be twice those amounts" there shall be substituted the words "in relation to obliteration of the stamp", in both places where they occur; and

(iii) after paragraph *(d)*, there shall be added the following paragraph:—

"*(dd)* in relation to the retesting of any equipment fitted with a price to pay indicating device in digital form which—

(i) is, in the opinion of an inspector, only required to be retested as a result of an adjustment of that device to prevent it from being capable of indicating during a measuring operation a part of a penny in the amount of the price to be paid by the buyer; and

(ii) has previously been tested and passed as fit for use for trade (but not since the said adjustment was made),

the prescribed limits of error upon the first retesting of that equipment with a view to its being passed as fit for use for trade shall be those set out in the said Table 1 or 2 as appropriate in relation to obliteration of the stamp;";

(c) in Regulation 16(2)—

(i) the words "in excess or" shall be deleted; and

(ii) at the end there shall be added the following:—

"in relation to obliteration of the stamp".

(d) Regulation 17 shall be renumbered Regulation 17(1), after which the following paragraph shall be added:—

"(2) No measuring equipment fitted with a price to pay indicating device in digital form shall first be passed as fit for use for trade if it is capable of indicating during a measuring operation a part of a penny in the amount of the price to be paid by the buyer.";

(e) in Regulation 21—

(i) for the words "in deficiency, or within twice the prescribed limits of error in excess," there shall be substituted the words "in relation to obliteration of the stamp"; and

(ii) after Regulation 21(3), there shall be added the following paragraph:—

"(4) Nothing in paragraph (2) or (3) above shall require an inspector to obliterate a stamp on any measuring equipment fitted with a price to pay indicating device in digital form if he is satisfied that it has been altered or adjusted solely to prevent the indication during a measuring operation of a part of a penny in the amount of the price to be paid by the buyer."; and

(f) in the Schedule, for Tables 1 and 2 there shall be substituted the following Tables:—

TABLE 1

(Prescribed limits of error for quantities other than the equivalent to the minimum delivery of the equipment and ordinarily applicable upon testing)

Quantity indicated	In relation to passing as fit for use for trade, in excess or in deficiency	In relation to obliteration of the stamp
0.2 litre to 0.4 litre	4 millilitres	8 millilitres in excess. 4 millilitres in deficiency.
From 0.4 litre to 0.6 litre	1% of the quantity indicated	2% of the quantity indicated in excess. 1% of the quantity indicated in deficiency.
From 0.6 litre to 1 litre	6 millilitres	2% of the quantity indicated in excess. 1% of the quantity indicated in deficiency.
From 1 litre to 2 litres	6 millilitres	20 millilitres in excess. 10 millilitres in deficiency.
2 litres or more	0.3% of the quantity indicated	1% of the quantity indicated in excess. 0.5% of the quantity indicated in deficiency.

TABLE 2

(Prescribed limits of error for quantities equivalent to the minimum delivery of the equipment and ordinarily applicable upon testing)

Minimum delivery	In relation to passing as fit for use for trade, in excess or in deficiency	In relation to obliteration of the stamp
0.2 litre to 0.4 litre	8 millilitres	16 millilitres in excess. 8 millilitres in deficiency.
From 0.4 litre to 0.6 litre	2% of indicated minimum delivery	4% of indicated minimum delivery in excess. 2% of indicated minimum delivery in deficiency.
From 0.6 litre to 1 litre	12 millilitres	4% of indicated minimum delivery in excess. 2% of indicated minimum delivery in deficiency.
From 1 litre to 2 litres	12 millilitres	40 millilitres in excess. 20 millilitres in deficiency.
2 litres or more	0.6% of indicated minimum delivery	2% of indicated minimum delivery in excess. 1% of indicated minimum delivery in deficiency.

Lucas of Chilworth,
Parliamentary Under-Secretary of State,
Department of Trade and Industry.

18th February 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Measuring Equipment (Liquid Fuel and Lubricants) Regulations 1983. They take account of the demonetisation of the halfpenny in so far as they relate to certain measuring equipment for measuring liquid fuel and lubricants fitted with a price to pay indicating device in digital form as follows—

(a) no equipment which indicates a price to pay including a part of a penny shall be used for trade on or after 1st January 1986 (Reg. 2*(a)*);

(b) where equipment has been adjusted to take account of the demonetisation of the halfpenny and it is only required to be retested as a result of that adjustment to prevent it from remaining capable of indicating a price to pay which includes a part of a penny, the permitted limits of error upon the first retesting of the equipment with a view to its being passed as fit for use for trade shall be those appropriate to obliteration of the stamp (Reg. 2*(b)*(iii));

(c) no equipment which is capable of indicating a price to pay including a part of a penny shall first be passed as fit for use for trade (Reg. 2*(d)*); and

(d) the rules as to the obliteration of stamps on equipment which has been modified to take account of the demonetisation of the halfpenny are relaxed if the modification has been made solely to prevent the indication of a part of a penny in the price to be paid (Reg. 2*(e)*).

The Regulations also reduce certain of the permitted limits of error in relation to passing measuring equipment as fit for use for trade (Reg. 2*(f)*).

SI 1985/209
ISBN 0-11-056209-7

