STATUTORY INSTRUMENTS

1965 No. 1815

WEIGHTS AND MEASURES

ADMINISTRATION

The Measuring Instruments (Intoxicating Liquor) Regulations 1965

Made - - - -	*20th October* 1965
Laid before Parliament	*27th October* 1965
Coming into Operation	
Regulation 1(1)	*31st July* 1966
Regulation 1(2)	*31st July* 1967
Remainder	*28th October* 1965

The Board of Trade, in pursuance of the powers conferred upon them by sections 11(1) and (3), 12(4), 14(1) and 58 of the Weights and Measures Act 1963(a) (hereinafter referred to as " the Act ") and all other powers enabling them in that behalf, hereby make the following Regulations:—

Application

1.—(1) Measuring instruments, other than capacity measures, for use for trade on premises where intoxicating liquor is sold by retail for the purpose of making any measurement of intoxicating liquor in a quantity exceeding ¼ pint but not exceeding one gallon are hereby prescribed for the purposes of section 11(1) of the Act.

(2) Measuring instruments, other than capacity measures, for use as aforesaid for the purpose of making any measurement of intoxicating liquor in a quantity not exceeding ¼ pint are hereby prescribed for the purposes of section 11(1) of the Act.

(3) Any reference to measuring instruments in the following provisions of these Regulations shall be construed as a reference to instruments described in paragraphs (1) or (2) of this Regulation.

Principles of construction

2. Any counting or totalising device fitted to a measuring instrument shall be so arranged as to avoid any possibility of confusion with any other indication of quantity.

(a) 1963 c. 31.

3. Any individual sales indicator fitted to a measuring instrument shall be arranged so that it can be readily re-set to its zero indication and so that it is not possible to advance the indication by means other than the proper operation of the instrument.

4. Every measuring instrument shall be fitted either with adequate sight glasses, observation windows or other devices for showing clearly that the measuring chamber or chambers are properly charged and discharged or with a device to prevent any liquid being discharged by a measuring chamber until that chamber is properly charged.

5. No measuring instrument shall be fitted with a delivery pipe, outlet spout or nozzle which, when open, is liable to trap any portion of the liquid being delivered.

6. Every measuring instrument shall be fitted with one or more plugs, seals or sealing devices of suitable form and material to protect all adjustable parts affecting the quantity delivered or with such alternative sealing arrangements as may be authorised by the Board of Trade in relation to a particular pattern in respect of which a certificate of approval granted or deemed to have been granted under section 12 of the Act is in force.

Testing

7. Before testing any measuring instrument, the inspector shall ensure either that liquid has first been passed through the instrument or that the instrument is fully primed.

8.—(1) Any measuring instrument constructed to measure a quantity of less than one quarter of a pint shall be tested with the liquor which it is intended to deliver or with water.

(2) Any other measuring instrument shall be tested with the liquor it is intended to deliver unless it is tested at the premises on which it was manufactured in which case it shall be tested either with that liquor or with water.

9. For the purposes of the performance by an inspector of his tests, the manager shall, if requested, provide for the inspector's use such liquids as the inspector may reasonably require.

10.—(1) The inspector shall test a measuring instrument by causing it to deliver both the minimum and the maximum quantity which it is capable of measuring in a single operation, or if the instrument 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 instrument to deliver any quantity between the minimum and the maximum quantity which it is capable of measuring in a single operation.

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

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

11.—(1) Any intoxicating liquor withdrawn from any container for the purpose of an inspector's test of a measuring instrument shall, upon 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 by the manager.

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

Prescribed limits of error

12.—(1) The prescribed limits of error shall be:—

Quantity Delivered	Upon passing as fit for use for trade	In relation to the obliteration of stamps
$\frac{1}{6}$ gill, $\frac{1}{5}$ gill (1 fluid ounce)	0.05 fluid ounce in excess	0.05 fluid ounce in excess; 0.02 fluid ounce in deficiency
$\frac{1}{4}$ gill, $\frac{1}{3}$ gill, $\frac{2}{5}$ gill (2 fluid ounces), $\frac{1}{2}$ gill	0.06 fluid ounce in excess	0.06 fluid ounce in excess; 0.03 fluid ounce in deficiency
$\frac{1}{3}$ pint, 1 gill ($\frac{4}{5}$ pint)	0.12 fluid ounce in excess	0.12 fluid ounce in excess; 0.06 fluid ounce in deficiency
$\frac{1}{2}$ pint	0.20 fluid ounce in excess	0.20 fluid ounce in excess; 0.10 fluid ounce in deficiency
1 pint	0.25 fluid ounce in excess	0.25 fluid ounce in excess; 0.12 fluid ounce in deficiency
1 quart, $\frac{1}{2}$ gallon	0.5 fluid ounce in excess	0.5 fluid ounce in excess; 0.25 fluid ounce in deficiency
1 gallon	1 fluid ounce in excess	1 fluid ounce in excess; 0.5 fluid ounce in deficiency

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

Passing as fit for use for trade

13. No measuring instrument shall be passed as fit for use for trade unless:—

(*a*) it measures the liquid with which it is tested to within the appropriate 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;

(*b*) it is made in accordance with a pattern in respect of which a certificate of approval granted or deemed to have been granted under section 12 of the Act is in force, or with such a pattern modified in accordance with an authorisation granted or deemed to have been granted under that section;

(*c*) it is constructed in accordance with the principles described in Regulations 2 to 6;

(*d*) it is complete with all parts and attachments concerned in the operations of measurement and delivery;

(*e*) when it is fully primed, no leakage is apparent;

(*f*) every marking, notice, inscription or indication having reference to the method of operation or to the quantity delivered is conspicuously and legibly marked in a suitable position on the instrument in plain block characters on a plain background and in distinct contrast thereto;

(*g*) it is legibly marked with the name of the maker or supplier.

(*h*) an indication of the measured quantity or quantities delivered by the instrument is marked in full or by means of one or other of the following abbreviations:—

One-sixth gill	$\frac{1}{6}$ gill
One-fifth gill	$\frac{1}{5}$ gill (or 1 fl. oz)
Quarter-gill	$\frac{1}{4}$ gill
One-third gill	$\frac{1}{3}$ gill
Two-fifths gill	$\frac{2}{5}$ gill (or 2 fl. oz)
Half-gill	$\frac{1}{2}$ gill
Gill	$\frac{1}{4}$ pt
One-third pint	$\frac{1}{3}$ pt
Half-pint	$\frac{1}{2}$ pt
Pint	pt
Quart	qt
Half-gallon	$\frac{1}{2}$ gal
Gallon	gal:

Provided that any indication of quantity on a measuring chamber or on any sales indicator may be shown by figures only if the unit of measurement is boldly marked on the face of the chamber or indicator and no confusion can arise.

Stamping

14. Every measuring instrument which is passed as fit for use for trade shall be stamped with the stamp prescribed by the Weights and Measures (Prescribed Stamp) Regulations 1963**(a)**.

15. The prescribed stamp shall be placed on all plugs, seals and sealing devices fitted in accordance with regulation 6 of these Regulations.

16. No measuring instrument shall be stamped if it bears any mark which, in the opinion of the inspector, might reasonably be mistaken for the prescribed stamp, or any statement or mark (other than an inspector's stamp) which purports to be or, in the opinion of the inspector, might reasonably be mistaken for, an expression of approval or guarantee of accuracy by any body or person :

Provided that—

(i) any measuring instrument made in accordance with a pattern in respect of which a certificate of approval granted or deemed to have been granted under section 12 of the Act is in force, may be marked with the number of the notice of examination issued by the Board in respect of that pattern preceded by the words "Board of Trade Notice No." or the abbreviation "B.O.T. Notice No.";

(ii) where the Board have afterwards authorised any modification of such a pattern granted or deemed to have been granted under the said section 12, the authority for the modification may also be indicated by a statement denoting the date of the authorisation preceded by the letter "M".

Obliteration of stamps

17. 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 Regulation 7 of the Weights and Measures Regulations 1963**(b)**.

18.—(1) An inspector shall obliterate the stamp on any measuring instrument which :—

(*a*) fails upon testing to measure the liquid with which it is tested to within the appropriate 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*) has ceased to satisfy the requirements of paragraph (*c*) to (*h*) of Regulation 13 :

Provided that where a measuring instrument 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 judgment such as to require the immediate obliteration of the stamp, he shall leave with the manager a notice calling on him to have the instrument 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 may obliterate the stamp on any measuring instrument which, since it was last stamped, has in his opinion had its accuracy affected by reason of any alteration, addition, adjustment or repair.

(a) S.I. 1963/1891 (1963 III, p. 3510). **(b)** S.I. 1963/1710 (1963 III, p. 3286).

19. The obliteration of any one stamp on a measuring instrument shall be deemed to be the obliteration of all the other stamps, if any, on that instrument.

Interpretation, citation and commencement

20.—(1) The Interpretation Act 1889(a) shall apply to the interpretation of these Regulations in like manner as it applies to the interpretation of an Act of Parliament.

(2) In these Regulations "manager" means, where any instrument is being tested at the premises on which it was manufactured, the manager of those premises or his appointed representative and, where any instrument is being tested on licensed premises the licensee, or in his absence, the person for the time being in charge of the instrument.

21.—(1) These Regulations may be cited as the Measuring Instruments (Intoxicating Liquor) Regulations 1965.

(2) These Regulations, other than paragraphs (1) and (2) of Regulation 1 shall come into operation on 28th October 1965.

(3) Paragraphs (1) and (2) of Regulation 1 shall come into operation on 31st July 1966 and 31st July 1967 respectively.

20th October 1965.

Douglas Jay,
President of the Board of Trade.

EXPLANATORY NOTE

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

These Regulations relate to measuring instruments, other than capacity measures, for use in measuring intoxicating liquors in public houses and on other premises where such liquor is sold by retail.

Regulations 2 to 6 lay down principles for the construction of such instruments and Regulations 12 and 13 specify the standards of accuracy and other requirements with which instruments must comply before they can be passed by Inspectors of Weights and Measures as fit for trade use.

Regulation 1 prescribes these instruments for the purposes of section 11(1) of the Weights and Measures Act 1963.

Instruments for measuring quantities between a quarter pint and a gallon such as beer dispensers, are prescribed from 31st July 1966. Instruments for measuring quantities not exceeding a quarter pint, such as spirit dispensers are prescribed from 31st July 1967.

Where instruments are "prescribed" it is unlawful to use them for trade purposes unless they have been tested, passed and stamped by an Inspector of Weights and Measures.

(a) 52 & 53 Vict. c. 63.