1967. No. 230 **[C]**

WEIGHTS AND MEASURES

Measuring Instruments (Intoxicating Liquor)

REGULATIONS, DATED 23RD AUGUST 1967, MADE BY THE MINISTRY OF COMMERCE UNDER SECTIONS 5, 6 AND 8 OF THE WEIGHTS AND MEASURES ACT (NORTHERN IRELAND) 1967.

The Ministry of Commerce, in exercise of the powers conferred upon it by sections 5(1) and (3), 6(4), and 8(1) of the Weights and Measures Act (Northern Ireland) 1967(a) and all other powers enabling it in that behalf, hereby makes the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the Measuring Instruments (Intoxicating Liquor) Regulations (Northern Ireland) 1967 and shall come into operation on 25th October 1967.

Interpretation

2. In these Regulations the following expressions shall have the following meanings respectively:—

"the Act" means the Weights and Measures Act (Northern Ireland) 1967;

"the Ministry" means the Ministry of Commerce;

"approved pattern" means a pattern in respect of which a certificate of approval under section 6 of the Act is in force;

"authorised modification" means an approved pattern modified in accordance with an authorisation for the time being in force under the said section 6;

"manager" means, where any instrument is being tested at the premises in which it was manufactured, the manager of those premises or his appointed representative and, where any instrument is being tested in licensed premises, the licensee, or in his absence, the person for the time being in charge of the instrument;

"the prescribed limits of error" has the meaning assigned to it by Regulation 14; and

"the prescribed stamp" means the stamp prescribed by the Ministry by regulations made under the Act.

Prescription under section 5

3.—(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 not exceeding one gallon are hereby prescribed as equipment to which section 5 of the Act applies.

(2) Any reference herein to measuring instruments shall be construed as a reference to instruments described in paragraph (1).

(a) 1967. c. 6 (N.I.).

Principles of Construction

4. 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.

5. 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.

6. 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.

7. 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.

8. 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 Ministry in relation to a particular approved pattern.

Testing

9. 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.

10.—(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 in which it was manufactured in which case it shall be tested either with that liquor or with water.

11. 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.

12.—(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.

13.—(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

14.—(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
¼ gill, ½ gill	0·06 fluid ounce in excess	0·06 fluid ounce in excess; 0·03 fluid ounce in deficiency
⅓ pint, 1 gill (¼ pint)	0·12 fluid ounce in excess	0·12 fluid ounce in excess; 0·06 fluid ounce in deficiency
½ 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, ½ 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

15. 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 an approved pattern or with an authorised modification thereof;

(*c*) it is constructed in accordance with the principles described in Regulations 4 to 8;

(*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:—

Quarter-gill	¼ gill
Half-gill	½ gill
Gill	¼ pt
One-third pint	⅓ pt
Half-pint	½ pt
Pint	pt
Quart	qt
Half-gallon	½ 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

16. Every measuring instrument which is passed as fit for use for trade shall be stamped with the prescribed stamp which shall be placed on all plugs, seals and sealing devices fitted in accordance with Regulation 8.

17. 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 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:

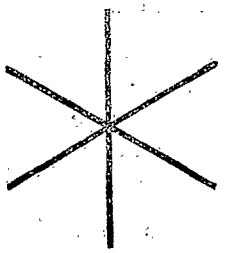
Provided that—

(i) any measuring instrument made in accordance with an approved pattern may be marked with the number of the notice of examination issued by the Board of Trade or the Ministry, as the case may be, in respect of that pattern preceded by the words "Board of Trade Notice No." or "Ministry of Commerce Notice No." or the abbreviation "B.o.T Notice No." or "M.o.C. Notice No.";

(ii) any authorised modification to the said approved pattern may be indicated by a statement on the measuring instrument denoting the date of the authorisation preceded by the letter "M".

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 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 paragraphs (*c*) to (*h*) of Regulation 15:

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.

20. 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.

Sealed with the Official Seal of the Ministry of Commerce for Northern Ireland this 23rd day of August 1967.

(L.S.) *W. L. Robinson,*
Assistant Secretary.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

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

Regulations 4 to 8 lay down principles for the construction of such instruments and Regulations 14 and 15 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 3 prescribes these instruments as equipment to which section 5 of the Weights and Measures Act (Northern Ireland) 1967 applies.

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.