STATUTORY INSTRUMENTS

1980 No. 1878

WEIGHTS AND MEASURES

The Measuring Instruments (Liquid Fuel and Lubricants) (Amendment) Regulations 1980

Made - - - -	*8th December* 1980
Laid before Parliament	*10th December* 1980
Coming into Operation	*31st December* 1980

The Secretary of State, in exercise of the powers conferred by sections 11(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:—

1. These Regulations may be cited as the Measuring Instruments (Liquid Fuel and Lubricants) (Amendment) Regulations 1980 and shall come into operation on 31st December 1980.

2. The Measuring Instruments (Liquid Fuel and Lubricants) Regulations 1979**(c)** are hereby amended as follows:—

(*a*) Regulation 5(2)(*b*) shall be omitted;

(*b*) in proviso (iii) to Regulation 29(1) there shall be inserted after the word "if" the words ", on testing with a view to passing as fit for use for trade,";

(*c*) in Regulation 34, there shall be inserted at the end the words "except where the stamp has been lawfully obliterated under Regulation 35 or 36 below.";

(*d*) for Regulations 35 and 36 there shall be substituted the Regulations set out in the Schedule hereto;

(*e*) in the headings to Tables 1 and 2 in the Schedule, the words "with a view to passing as fit for use for trade" shall be deleted;

(*f*) in Tables 1 and 2 in the Schedule, in the first entry, for the word "Exceeding" there shall be substituted the words "At least".

Sally Oppenheim,
Minister of State,
Department of Trade.

8th December 1980.

(a) 1963 c. 31; 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. 1979/1605.

SCHEDULE

Regulation 2(d)

REGULATIONS 35 AND 36 OF THE MEASURING INSTRUMENTS (LIQUID FUEL AND LUBRICANTS) REGULATIONS 1979

35.—(1) It shall be lawful to destroy, obliterate or deface a stamp on a measuring instrument, and it shall not be a contravention of section 11(2) of the Act to use such an instrument for trade during the relevant period by reason only that a stamp on it has been lawfully destroyed, obliterated or defaced (such destruction, obliteration or defacement being in this Regulation referred to as "the occurrence") if—

(*a*) the person responsible for the occurrence is, or is the duly authorised agent of, the proprietor of the instrument or a person who is the manufacturer, or is regularly engaged in the repair, of instruments for measuring liquid fuel or lubricants;

(*b*) the occurrence was confined to the stamp protecting the price computing device of the instrument, and the stamp on the indicator of the price per gallon (or per half gallon or litre as the case may be);

(*c*) the occurrence was solely to permit an adjustment of that device and that indicator; and

(*d*) notification in writing complying with paragraph (2) below of the occurrence has been given by the proprietor of the instrument or his duly authorised agent before the occurrence to the chief inspector of weights and measures for the area in which the instrument is situated.

(2) The notification referred to in paragraph (1) above shall contain the following information:—

(*a*) the location of, and particulars by which, the instrument may be identified;

(*b*) the intended date of the occurrence;

(*c*) the business name and address of the proprietor or other person referred to in paragraph (1)(*a*) above;

(*d*) the name and address of the person giving the notification.

(3) In paragraph (1) above "relevant period" means a period of 28 days beginning with the day on which the notification referred to in paragraph (1) above is so given.

36.—(1) It shall be lawful to destroy, obliterate or deface a stamp on a measuring instrument, and it shall not be a contravention of section 11(2) of the Act to use such an instrument for trade during the relevant period by reason only that a stamp on it has been lawfully destroyed, obliterated or defaced (such destruction, obliteration or defacement being in this Regulation referred to as "the occurrence") if—

(*a*) the person responsible for the occurrence is, or is the duly authorised agent of, a person who is the manufacturer, or is regularly engaged in the repair, of instruments for measuring liquid fuel or lubricants;

(*b*) the occurrence was solely to facilitate or permit the adaptation of the instrument to measure in metric quantities; and

(*c*) notification in writing complying with paragraph (2) below of the occurrence has been given by the proprietor of the instrumennt or his duly authorised agent before the occurrence to the chief inspector of weights and measures for the area in which the instrument is situated.

(2) The notification referred to in paragraph (1) above shall contain the following information:—

(*a*) the location of, and particulars by which, the instrument may be identified;

(*b*) the intended date of the occurrence;

(*c*) the business name and address of the person referred to in paragraph (1)(*a*) above;

(*d*) the name and address of the person giving the notification;

(*e*) whether the occurrence is of a type mentioned in paragraph (3)(*a*) or (3)(*b*) below.

(3) In paragraph (1) above, "relevant period" means:—

(*a*) where the stamp protecting the calibration of the meter remains intact and notification of the fact that some other stamp has been destroyed, obliterated or defaced has been given to the chief inspector of weights and measures for the area in which the instrument is situated, a period of 28 days beginning when notification is so given, or

(*b*) where the stamp protecting the calibration of the meter has been destroyed, obliterated or defaced and the person responsible has attached to the instrument some seal or other device which must be defaced or removed before the calibration can be adjusted and notification of the destruction, obliteration or defacement of that stamp has been given as aforesaid, a period of 5 days beginning when notification is so given.

EXPLANATORY NOTE

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

These Regulations amend the Measuring Instruments (Liquid Fuel and Lubricants) Regulations 1979. The main changes are that the Regulations—

(*a*) remove the requirements in Regulation 5 for measuring instruments to be marked with particulars of authorised modifications to approved patterns;

(*b*) confine to testing with a view to passing as fit for use for trade the application of the provision in Regulation 29 relating to the prescribed limits of error, where the errors are all errors in excess or all errors in deficiency;

(*c*) clarify the circumstances in which it is lawful to destroy, obliterate or deface a stamp on a measuring instrument and to use that instrument for trade unstamped for specified periods subject to specified conditions following either adjustment of a sealed price computing device or price unit indicator or adaptation to measure in metric quantities; and

(*d*) prescribe the limits of error for quantities of 200 ml.

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