1963 No. 1709

WEIGHTS AND MEASURES

ADMINISTRATION

The Measuring Instruments (Liquid Fuel and Lubricants) Regulations 1963

Made - - - -	10*th October* 1963
Laid before Parliament	18*th October* 1963
Coming into Operation	31*st January* 1964

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) and all other powers enabling them in that behalf, hereby make the following Regulations:—

Application

1. These Regulations shall apply to all measuring instruments for use for trade in the making of any measurement of liquid fuel or lubricants or any mixture of such fuel and lubricants in a quantity not exceeding 20 gallons; and such instruments are hereby prescribed for the purposes of section 11(1) of the Weights and Measures Act 1963.

Principles of construction

2. No measuring instrument for use for the measurement of liquid fuel or lubricants or a mixture of such fuel and lubricants in the presence of the buyer shall be so arranged as to deliver measured quantities at more than one outlet.

3.—(1) Every measuring instrument for use for the measurement of liquid fuel or a mixture of such fuel and lubricants in the presence of the buyer shall be provided with an individual sales indicator so graduated as to indicate all possible deliveries—

(*a*) in the case of instruments delivering liquid fuel, up to not less than 10 gallons;

(*b*) in the case of instruments delivering a mixture of liquid fuel and lubricants, up to not less than 1 gallon.

(2) Any other counting or totalising device that may be provided shall be so arranged as to avoid any possibility of confusion with the individual sales indicator.

4.—(1) Every 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 by the proper operation of the instrument.

(a) 1963 c. 31.

(2) In the case of instruments of the twin or multiple container type, the individual sales indicator shall be so arranged as not to register before the discharge from each container has commenced:

Provided that, in the case of such instruments bearing a stamp applied pursuant to any Regulations in force immediately before the date of the coming into operation of these Regulations, this paragraph shall not apply until the expiration of the period of 5 years beginning with the said date.

5. No audible or other signals of discharge which can be operated to signal before the movement of the individual sales indicator shall be fitted to any measuring instrument.

6. Every graduated dial, scale or other indicating device of a measuring instrument shall—

(*a*) be so graduated and numbered that it can be read in numerical sequence in one direction only;

(*b*) be securely attached to its support or to the spindle or other part of the mechanism which controls its movement.

7. Every marking, notice, inscription or indication on a measuring instrument having reference to the method of operation or to the quantity delivered shall be conspicuously and legibly marked in a suitable position in plain block characters on a plain background and in distinct contrast thereto.

8. Every stop or setting device of a measuring instrument shall either be marked in such a manner as to indicate the quantity it represents or shall be clearly associated with a suitable indicating device for the same purpose.

9. Every indication of quantity on a measuring instrument shall be marked either in full or by means of one or other of the following abbreviations only:—

Half-pint	½ pt
Pint	pt
Quart	qt
Half-gallon	½ gal
Gallon	gal:

Provided that the indications of quantity on containers or on the dial of a sales indicator may be shown by figures only where the unit of measurement is boldly marked on the container or dial and no confusion can arise.

10. Every measuring instrument shall be legibly marked with the name of the maker or supplier.

11. Every measuring instrument of the fixed type shall be so disposed that the purchaser can readily obtain a clear and unobstructed view of all the operations and indications of measurement and delivery.

12. Every measuring instrument shall be fitted with adequate sight glasses, observation windows or other devices approved by the Board for showing clearly either—

(*a*) that the container or containers are properly charged or discharged; or, as the case may be—

(*b*) that the instrument is properly primed before use, in which case the instrument shall bear, adjacent to each sight glass, observation window or other said device, a notice indicating the priming level:

Provided that this regulation shall not apply to instruments for use for the measurement of lubricants, where the delivery system remains permanently full up to the outer extremity of the discharge pipe.

13. In the case of measuring instruments of the piston type, a non-return valve shall not be fitted in the pipe line between the piston and any sight glass.

14. Where a measuring instrument is provided with a swing arm or rigid form of extension pipe, such arm or pipe shall be so constructed as either—

(*a*) to empty itself completely through the delivery outlet; or

(*b*) to remain permanently filled up to its connection to the flexible hose; in which case a sight glass shall be fitted at the highest point of the swing arm or extension pipe.

15. Every flexible hose for delivering liquid fuel or a mixture of such fuel and lubricants from a measuring instrument, together with any swing arm or extension pipe which empties itself on delivery, shall be so arranged as to facilitate drainage of the liquid.

16. No measuring instrument shall be fitted with a flexible discharge hose exceeding 12 feet in length:

Provided that this regulation shall not apply to instruments for use for the delivery of—

(*a*) liquid fuel to ships or to aircraft;

(*b*) lubricants.

17. No nozzle of a form liable, when open, to trap any portion of the liquid being delivered shall be attached to the discharge hose of any measuring instrument.

Testing

18. Every measuring instrument shall be tested under practical working conditions with the liquid fuel or lubricant or mixture of such fuel and lubricant that the instrument is intended to deliver.

19. No measuring instrument shall be tested unless it is complete with all parts and attachments concerned in the operations of measurement and delivery.

20. Every measuring instrument which is permanently fixed in the position in which it is to be used shall be tested, passed as fit for use for trade and stamped only when completely erected ready for use and installed at the place where it is to be used.

21. Before testing any measuring instrument fitted with a discharge hose, the inspector shall ensure that liquid fuel or lubricant or a mixture of such fuel and lubricant, as the case may be, has first been passed through the instrument:

Provided that this regulation shall not apply to instruments used for the measurement of such liquid fuel, lubricants or mixtures where the delivery system remains permanently full up to the outer extremity of the discharge pipe.

22.—(1) Before testing any measuring instrument of the piston type for accuracy, it shall first be tested for leakage by being fully primed and then left for a reasonable time. Thereafter, if no leakage is apparent, the inspector may proceed to test for accuracy; otherwise he shall satisfy himself that the instrument without repriming does not, before the expiry of a period of one hour, show any deficiency of delivery exceeding one fluid ounce in the case of an instrument constructed to measure a minimum quantity of not less than one quart, or exceeding one half fluid ounce in the case of an instrument constructed to measure any quantity of less than one quart.

(2) Every measuring instrument of the piston type shall be fully primed immediately before the test for accuracy is commenced. If, however, the instrument appears already to be fully primed, it may be tested forthwith for accuracy, but the aforementioned test for leakage may, if the inspector thinks fit, also be carried out.

(3) No measuring instrument of the piston type which fails to satisfy the said test for leakage shall be passed as fit for use for trade.

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

(*a*) 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 Weights and Measures Act 1963 is in force, or with such a pattern modified in accordance with an authorisation granted or deemed to have been granted under the said section 12;

(*b*) it complies with the appropriate requirements of these Regulations;

(*c*) it measures and delivers liquid fuel or lubricants or mixtures of such fuel and lubricants to within the prescribed limit 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.

24. For the purposes of the performance by an inspector of his tests, the trader or person in charge of a measuring instrument shall, if requested by the inspector, provide for his use such liquid fuel and lubricants as he may reasonably require.

25.—(1) Any liquid fuel or lubricant withdrawn from any tank or container for the purpose of an inspector's test of a measuring instrument shall, upon the conclusion of the test, be forthwith returned to the tank or container from which it was withdrawn if the inspector is of the opinion that it is practicable and desirable so to do and the trader or person in charge of the instrument does not object; otherwise, it shall be placed in another receptacle reasonably convenient for the purpose and nominated by the trader or person in charge of the instrument.

(2) The inspector shall, if requested, furnish to the trader or person in charge of the said instrument a signed and dated statement of the quantity of liquid fuel or lubricant withdrawn from the tank or container and returned or placed as aforesaid.

26. An inspector may open any locked or sealed tank or container from which liquid fuel or lubricant may have been withdrawn for the purpose of his tests in order to return the said liquid fuel or lubricant thereto and, immediately after the said liquid fuel or lubricant has been so returned, he shall securely re-fasten the said tank or container; and for this purpose he shall replace any seal or link broken by him in opening the said tank or container with a seal upon which he shall affix his stamp.

Prescribed limits of error

27. The prescribed limits of error on the testing of measuring instruments, both in respect of any individual delivery of liquid fuel or lubricant or any mixture of such fuel and lubricant and in respect of the total quantity delivered by a complete cycle of operation of the instrument, shall be as follows:—

Quantity delivered	*Error in excess only*
½ pint	⅜ fluid ounce
Pint	½ fluid ounce
Quart, ½ gallon or gallon ...	1 fluid ounce
Exceeding 1 gallon	at the rate of 1 fluid ounce per gallon:

Provided that, in the case of instruments fitted to tank wagons and for use in the measurement of lubricants, the prescribed limit of error in relation to quantities not exceeding 5 gallons shall be 5 fluid ounces.

Stamping

28. Every measuring instrument 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 Board 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 Weights and Measures Act 1963 is in force. The stamp shall be placed on all such plugs, seals or sealing devices.

29. 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:

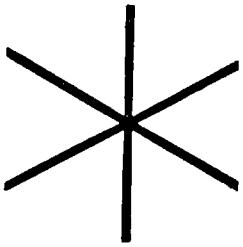
Provided that—

(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 Weights and Measures Act 1963 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

30. 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:—



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

(*a*) fails to comply with the appropriate requirements of these Regulations;

(*b*) fails upon testing to fall within half the amount of the prescribed limit of error in deficiency and within twice the amount of the said limit in excess:

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 trader 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 such 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.

32. For the purposes of these Regulations, 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.

Savings

33. Nothing in these Regulations shall relieve any person from complying with the provisions of the Petroleum (Consolidation) Act 1928(a) as amended(b), or any other Act of Parliament, or of any Order in Council, order, regulation or bye-law made thereunder.

Interpretation

34.—(1) In these Regulations "measuring instrument" means any measuring equipment other than a capacity measure.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of these Regulations in like manner as it applies to the interpretation of an Act of Parliament.

(a) 18 & 19 Geo. 5. c. 32. (b) 1963 c. 31. (c) 52 & 53 Vict. c. 63.

Citation and commencement

35. These Regulations may be cited as the Measuring Instruments (Liquid Fuel and Lubricants) Regulations 1963 and shall come into operation on the 31st January 1964.

10th October 1963.

David Price

Parliamentary Secretary to the Board of Trade.

EXPLANATORY NOTE

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

These Regulations come into operation (simultaneously with Parts I, II, V and VI of the Weights and Measures Act 1963) on 31st January 1964. They substantially replace the Measuring Instruments (Liquid Fuel and Lubricating Oil) Regulations 1929 (S.R. & O. 1929/183), as amended, which cease to have effect with the repeal on that date of the Weights and Measures Act 1904 and the Weights and Measures (Amendment) Act 1926.

The Regulations apply to all measuring instruments, other than capacity measures, for use for trade in the making of any measurement of liquid fuel or lubricants or any mixture of such fuel and lubricants in a quantity not exceeding 20 gallons. They make provision as to the principles of construction, inspection, testing, passing as fit for use for trade and stamping of such equipment.

The present Regulations repeat the provisions of the earlier Regulations, subject to some drafting alterations and to such adaptations as are necessary to enable the present Regulations, operating within the framework of the Weights and Measures Act 1963, to produce the same effect as was produced by the earlier Regulations operating within the framework of the Acts repealed by the Act of 1963. Except as respects the matters mentioned below, the alterations have not made any changes of substance in the requirements of the earlier Regulations.

The only changes of substance which have been made, are to take account of dispensations which the Board of Trade formerly granted from the general requirements of the earlier Regulations. The changes are as follows :—

(*a*) regulation 3(1)(*b*) alters the requirements of the earlier Regulations as to the graduation of individual sales indicators on instruments used for measuring liquid fuel in the presence of the buyer ;

(*b*) the proviso to regulation 4(2) exempts certain instruments of the twin or multiple container type from the requirements of that regulation for a period of 5 years beginning with the 31st January 1964 ;

(*c*) in regulation 14(*b*), the requirement that the sight glass shall be fitted immediately before the connection with the flexible hose is dispensed with ;

(*d*) regulation 16 exempts instruments for use for the delivery of liquid fuel to ships or aircraft and for the delivery of lubricants from the requirement that a flexible discharge hose shall not exceed 12 feet in length ;

(*e*) in the proviso to regulation 27, the prescribed limits of error are varied in the case of instruments fitted to tank wagons and for use in the measurement of lubricants.