STATUTORY INSTRUMENTS

1979 No. 1605

WEIGHTS AND MEASURES

The Measuring Instruments (Liquid Fuel and Lubricants) Regulations 1979

Made - - - -	*5th December* 1979
Laid before Parliament	*7th December* 1979
Coming into Operation:	
Regulation 3(2)	*1st January* 1980
Remainder	*1st March* 1980

The Secretary of State, in exercise of the powers conferred by sections 11(1) and (3), 12(4), 14(1), 54(1) and 58 of the Weights and Measures Act 1963(a) (hereinafter called "the Act") and now vested in him(b) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Measuring Instruments (Liquid Fuel and Lubricants) Regulations 1979 and shall come into operation as follows—

(*a*) Regulation 3(2), on 1st January 1980; and

(*b*) remainder, on 1st March 1980.

(2) The Measuring Instruments (Liquid Fuel and Lubricants) Regulations 1963(c), the Measuring Instruments (Liquid Fuel and Lubricants) (Amendment No. 2) Regulations 1968(d), the Measuring Instruments (Liquid Fuel and Lubricants) (Amendment) Regulations 1970(e) and the Measuring Instruments (Liquid Fuel and Lubricants) (Amendment) Regulations 1976(f) are hereby revoked.

Interpretation

2. In these Regulations—

"measuring instrument" means any measuring equipment other than a capacity measure;

"minimum delivery" means the smallest quantity of liquid fuel or lubricants or any mixture of such fuel and lubricants which an instrument is designed to measure;

"prescribed limits of error" has the meaning set out in Regulation 29 below.

(a) 1963 c. 31; this Act was amended by the Weights and Measures &c. Act 1976 (c. 77) and the Weights and Measures Act 1979 (c. 45).
(b) S.I. 1970/1537. (c) S.I. 1963/1709. (d) S.I. 1968/1541.
(e) S.I. 1970/179. (f) S.I. 1976/1330.

Application

3.—(1) Subject to paragraph (2) below, 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 if they are constructed to measure in imperial units, or 100 litres if they are constructed to measure in metric units, other than instruments for use for trade in the making of any measurement of liquefied petroleum gas; and instruments to which these Regulations apply are hereby prescribed for the purposes of section 11(1) of the Act.

(2) As from 1st January 1980 nothing in the Regulations referred to in Regulation 1(2) above or these Regulations shall apply to any measuring instrument for use for the measurement by capacity of liquid fuel or lubricants or any mixture of such fuel and lubricants in a quantity not exceeding 100 litres, which, in accordance with a programme of automatic control and without the intervention of an operator during the measuring process, measures quantities of those products to a constant nominal capacity, the quantities being kept separate.

Principles of construction and marking of equipment

4. 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.

5.—(1) Every measuring instrument shall be 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.

(2) Every measuring instrument first submitted for testing with a view to passing as fit for use for trade before 1st January 1981 may, and every measuring instrument first submitted for such testing on or after such date shall—

(*a*) be legibly and durably marked with the certification number or the number of the notice of examination issued by the Secretary of State in respect of the pattern in accordance with which it is made, preceded by the words "Certification No." or "Notice No." as the case may be; and

(*b*) where it is made in accordance with a pattern modified in accordance with an authorisation of the Secretary of State first granted or deemed to have been granted under the said section 12 prior to 4th April 1979, bear a legible and durable indication of the date of such authorisation preceded by the letter 'M'.

6. Every measuring instrument shall be legibly and durably marked with the name of the maker or supplier.

7.—(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 if they are constructed to measure in imperial units or

50 litres if they are constructed to measure in metric units, as the case may be;

(*b*) in the case of instruments delivering a mixture of liquid fuel and lubricants, up to not less than 1 gallon if they are constructed to measure in imperial units or 5 litres if they are constructed to measure in metric units, as the case may be.

(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.

8.—(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.

(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.

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

10. 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*) where appropriate be securely attached to its support or to the spindle or other part of the mechanism which controls its movement.

11. 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.

12. 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.

13. Every indication of quantity on a measuring instrument shall be marked either in full in one of the units of measurement listed in column 1 of the table below or by means of one or other of the abbreviations only in column 2 of the table below:

Table

Col. 1	**Col. 2**
Half-pint	½ pt
Pint	pt
Quart	qt
Half-gallon	½ gal
Gallon	gal
Litre	

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.

14.—(1) Subject to paragraphs (2) and (3) below, a measuring instrument which forms part of a fixed installation shall be so positioned that a buyer may readily obtain a clear and unobstructed view—

(*a*) of all the operations carried out by any other person using the instrument to measure the fuel or lubricant being supplied to the buyer; and

(*b*) of any device on the instrument which indicates the quantity supplied or the amount payable or that delivery is being effected.

(2) Paragraph (1) above shall not apply to any instrument for use only for measuring kerosene except where the instrument is—

(*a*) situated on premises where petroleum is sold, or

(*b*) used for measuring kerosene in the course of delivery into the fuel tanks of vehicles, vessels or aircraft.

(3) Paragraph (1) above shall not apply to any instrument normally used for the measurement of lubricants in the absence of the buyer.

15. Every measuring instrument shall be fitted with adequate sight glasses, observation windows or other devices approved by the Secretary of State 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 only for the measurement of lubricants where the delivery system remains permanently full up to the outer extremity of the discharge pipe.

16. 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.

17. 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 discharge hose; in which case a sight glass shall be fitted at the highest point of the swing arm or extension pipe.

18. Every flexible discharge 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.

19. No measuring instrument shall be fitted with a flexible discharge hose exceeding 4 metres in length:

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

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

(*b*) lubricants.

20. 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

21. 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.

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

23. 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.

24. 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.

25.—(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 carrried 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.

26.—(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 proprietor 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 proprietor or person in charge of the instrument.

(2) The inspector shall, if requested, furnish to the proprietor 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.

27. 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.

Passing as fit for use for trade

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

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

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

Prescribed limits of error

29.—(1) The prescribed limits of error on the testing of any measuring instrument shall be those set out in Table 1 in the Schedule hereto:

Provided that—

(i) except in the case of instruments constructed to deliver a fixed quantity only, for a quantity equivalent to the minimum delivery of the instrument the prescribed limits of error shall be those set out in Table 2 in the Schedule hereto; and

(ii) where a purported quantity delivered is larger than the minimum delivery of the instrument and the limits of error for that quantity set out in Table 1 in the Schedule hereto are less than those for a quantity equivalent to the minimum delivery of the instrument set out in Table 2 in the Schedule hereto, then the prescribed limits of error for the said purported quantity shall be those set out in the said Table 2; and

(iii) if the errors on all the quantities indicated by a measuring instrument during the tests are all errors in excess or all errors in deficiency then notwithstanding that they are all within the prescribed limits set out in the said Table 1 or 2 as appropriate, at least one of them shall not exceed either—

(*a*) one-half of the limits set out in the said Table 1 or 2 as appropriate; or

(*b*) 0.3% of the quantity indicated;

whichever is the greater; and

(iv) in relation to the retesting of any instrument fitted with a price computing mechanism which—

(*a*) is, in the opinion of an inspector, only required to be retested as a result of an adjustment of that mechanism occasioned by a change in price; and

(*b*) 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 in deficiency shall be the amounts set out in the said Table 1 or 2 as appropriate and the prescribed limits of error in excess shall be twice those amounts; and

(v) in relation to the retesting of any instrument converted to indicate the quantity delivered in metric units which—

(*a*) is, in the opinion of an inspector, only required to be retested as a result of such conversion; and

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

the prescribed limits of error in deficiency shall be the amounts set out in the said Table 1 or 2 as appropriate and the prescribed limits of error in excess shall be twice those amounts; and

(vi) in the case of an instrument fitted to a tank wagon for use in the measurement of lubricants, the prescribed limit of error in relation to quantities not exceeding 25 litres shall be 125 millilitres.

(2) The limits of error referred to in this Regulation shall apply both in respect of any individual delivery of liquid fuel or lubricant or of any mixture thereof and in respect of the total quantity delivered by a complete cycle of operation of the instrument.

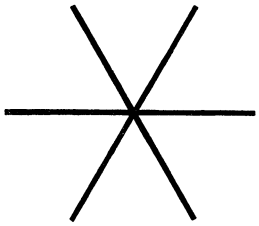
Stamping

30. 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 Secretary of State 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. The stamp shall be placed on all such plugs, seals or sealing devices.

31. Subject to Regulation 5(2) above, 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.

Obliteration of stamps

32. 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:



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

(*a*) fails upon testing to fall within the limits of error in deficiency and within twice the limits of error in excess set out in Table 1 or 2 in the Schedule hereto as appropriate to the case; or

(*b*) fails to comply with any other appropriate requirement of these Regulations:

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 judgement such as to require the immediate obliteration of the stamp, he shall leave with the proprietor or person in charge of the instrument 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 shall obliterate the stamp on any measuring instrument which has, since it was last stamped, had any alteration or addition made to it such that it could not be passed as fit for use for trade under Regulation 28.

(3) Where any measuring instrument has since it was last stamped been the subject of any adjustment, alteration, addition, repair or replacement which could, in the opinion of the inspector, have affected its accuracy, he may obliterate the stamp on that instrument.

34. 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.

Lawful use for trade of unstamped equipment where stamps destroyed, obliterated or defaced

35.—(1) It shall not be a contravention of section 11(2) of the Act to use a measuring instrument for trade during the relevant period by reason only that a stamp on it has been 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;

(*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 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 agent 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 not be a contravention of section 11(2) of the Act to use a measuring instrument for trade during the relevant period by reason only that a stamp on it has been 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 of, 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 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 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; and

(*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.

Sally Oppenheim,
Minister of State,
Department of Trade.

5th December 1979.

(See Regulation 29) SCHEDULE

TABLE 1

(Prescribed limits of error for quantities other than the equivalent to the minimum delivery of the instrument and ordinarily applicable upon testing with a view to passing as fit for use for trade)

Quantity indicated	**Error in excess or in deficiency**
Exceeding 0.2 litre but not exceeding 0.4 litre	4 millilitres.
Exceeding 0.4 litre but not exceeding 1 litre	1% of quantity indicated.
Exceeding 1 litre but not exceeding 2 litres	10 millilitres.
Exceeding 2 litres	0.5% of quantity indicated.

TABLE 2

(Prescribed limits of error for quantities equivalent to the minimum delivery of the instrument and ordinarily applicable upon testing with a view to passing as fit for use for trade)

Minimum delivery	**Error in excess or in deficiency**
Exceeding 0.2 litre but not exceeding 0.4 litre	8 millilitres.
Exceeding 0.4 litre but not exceeding 1 litre	2% of indicated minimum delivery.
Exceeding 1 litre but not exceeding 2 litres	20 millilitres.
Exceeding 2 litres	1% of indicated minimum delivery.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations replace the Measuring Instruments (Liquid Fuel and Lubricants) Regulations 1963, as amended. They continue to apply to all measuring instruments, other than capacity measures and those used for the measurement of liquefied petroleum gas, 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 or 100 litres. They make provision as to the principles of construction, marking of equipment, inspection, testing, passing as fit for use for trade and stamping of such equipment (and obliteration of stamps on such equipment), and the prescribed limits of error. With the exception noted in sub-paragraph (*a*) below, the Regulations come into operation on 1st March 1980.

The present Regulations repeat the provisions of the earlier Regulations subject to some drafting alterations and the following changes of substance:—

(*a*) the Regulations cease to apply to certain automatic equipment as from 1st January 1980 (Reg. 3 (2));

(*b*) the certification number or notice of examination number of the pattern in accordance with which it is made must be marked on measuring instruments submitted from 1st January 1981 for testing with a view to being passed as fit for use for trade (Reg. 5(2));

(*c*) the limits of error on the testing of measuring instruments with a view to passing them as fit for use for trade are bilateral instead of biased (i.e. there are equal errors in excess and in deficiency) (Reg. 29);

(*d*) an inspector must obliterate the stamp on any measuring instrument which, since last stamped, has had any alteration or addition such that it no longer complies with the requirements of the Regulations (Reg. 33(2));

(*e*) equipment may be used for trade unstamped, where a stamp on it has been lawfully destroyed, obliterated or defaced, for up to 28 days following adjustment of a sealed price computing device and price unit indicator to effect a change in price, subject to specified conditions (Reg. 35);

(*f*) equipment adapted to measure in metric quantities may be used unstamped, where a stamp on it has been lawfully destroyed, obliterated or defaced, for a specified period subject to specified conditions (Reg. 36).

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