STATUTORY INSTRUMENTS

1964 No. 39

WEIGHTS AND MEASURES

ADMINISTRATION

The Weights and Measures (Egg-Grading Machines) Regulations 1964

Made - - - -	17*th January* 1964
Laid before Parliament	24*th January* 1964
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), 14(1), 47 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 equipment for use for the grading by reference to their weight of hens' eggs in shell which are intended for human consumption (other than equipment designed to determine the actual weight of such eggs), being:—

(*a*) machines (hereinafter referred to as " type A machines ") in which:—

(i) each weighing unit is designed to grade eggs into one grade only; and

(ii) at least one weighing unit is designed to grade eggs into one of the grades specified in Schedule 1 hereto;

(*b*) machines (hereinafter referred to as " type B machines ") in which:—

(i) each weighing unit is designed to grade eggs into more than one grade; and

(ii) at least one such grade is a grade specified as aforesaid;

and such machines (hereinafter referred to as " egg-grading machines ") are hereby prescribed for the purposes of section 11(1) of the Weights and Measures Act 1963.

Testing and passing as fit for use for trade

2. No egg-grading machine shall be tested unless:—

(*a*) it is complete with all parts and attachments; and

(*b*) in the case of a power-operated machine, it is completely erected ready for use and installed at the place where it is to be used for trade; and

(*c*) it is made in accordance with an approved pattern or authorised modification; and

(a) 1963 c. 31.

(*d*) each tray or other receptacle in the machine into which eggs are deposited on being graded by a weighing unit is clearly and legibly marked to indicate the weight range to which that tray or receptacle relates.

3. Before testing an egg-grading machine, any counting or marking apparatus comprised in or forming part of the machine may, if the inspector thinks fit, be put out of action.

4.—(1) Every egg-grading machine shall be tested in the appropriate manner specified in Schedule 2 hereto.

(2) No egg-grading machine shall be passed as fit for use for trade unless it satisfies the appropriate test specified in the said Schedule.

Stamping

5. No egg-grading machine shall be stamped unless it incorporates therein a plug or stud of soft metal designed for the reception of the prescribed stamp, such plug or stud being made as nearly as possible irremovable by under-cutting or in some other suitable manner.

6. No egg-grading machine shall be stamped if it bears any statement or mark (other than a prescribed stamp) which, in the opinion of the inspector—

(*a*) purports to be, or is likely to be misunderstood as or mistaken for, an indication of approval or guarantee of its performance or accuracy; or

(*b*) is likely to be misunderstood as or mistaken for a prescribed stamp;

Provided that a machine may be stamped notwithstanding that it bears—

(i) the number of the notice of examination issued by the Board in respect of the approved pattern to which the machine conforms, preceded by the words "Board of Trade Notice No." or the abbreviation "B.O.T. Notice No.";

(ii) a statement or mark denoting the date of any authorised modification to which the machine conforms, preceded by the letter "M".

Obliteration of stamps

7.—(1) Subject to paragraph (2) of this regulation, an inspector shall obliterate the stamp on any egg-grading machine—

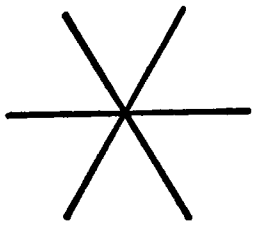
(*a*) the testing of which is prohibited by regulation 2 of these Regulations; or

(*b*) the stamping of which is prohibited by regulation 6 of these Regulations; or

(*c*) which fails to satisfy the appropriate test specified in Schedule 2 hereto.

(2) In any case where the stamp on a machine falls to be obliterated under subparagraph (*a*) or (*b*) of paragraph (1) of this regulation, an inspector may serve upon the person for the time being in possession of that machine for use for trade, a notice specifying the grounds on which the testing or stamping, as the case may be, of that machine is prohibited as aforesaid, and requiring him within a specified period not exceeding 28 days to take such steps as may be necessary to remove those grounds; and the inspector shall not obliterate the stamp on those grounds during the said period.

8. For the purpose of obliterating a stamp, an inspector shall use punches or pincers of a six-pointed star design as shown in the following illustration:—



Interpretation

9.—(1) In these Regulations the following expressions shall have the following meanings respectively:—

"approved pattern" means 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;

"authorised modification" means an approved pattern modified in accordance with an authorisation for the time being in force under the said section 12;

"weighing unit" means any single weighing unit which, although forming part of the whole egg-grading machine, is complete in itself.

(2) 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.

Citation and commencement

10. These Regulations may be cited as the Weights and Measures (Egg-Grading Machines) Regulations 1964 and shall come into operation on the 31st January 1964.

17th January 1964.

David Price,
Parliamentary Secretary to the
Board of Trade.

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

SCHEDULE 1

GRADES OF EGGS

Column 1	Column 2
Grade	Weight range of grade
Large	Not less than $2\frac{3}{16}$ ounces.
Standard	Less than $2\frac{3}{16}$ ounces but not less than $1\frac{7}{8}$ ounces.
Medium	Less than $1\frac{7}{8}$ ounces but not less than $1\frac{5}{8}$ ounces.
Small	Less than $1\frac{5}{8}$ ounces but not less than $1\frac{1}{2}$ ounces.

SCHEDULE 2

TESTS TO BE APPLIED TO EGG-GRADING MACHINES

PART I

Interpretation

1. In this Schedule the following expressions shall have the following meanings respectively:—

"capacity" means—

(*a*) in relation to a type A machine, the number of those weighing units in the machine whose function is to grade eggs into one of the scheduled grades; and in determining that number in the case of a machine in which several weighing units grading eggs into the same scheduled grade are served by the same feed track, two or more such units are to be counted as a single weighing unit;

(*b*) in relation to a type B machine, the product of multiplying the number of those weighing units whose function is to grade eggs into one or more of the scheduled grades by the number of different scheduled grades into which the machine is designed to grade eggs;

"scheduled grades" means the grades specified in Schedule 1;

"test poise" means a counterpoise for use in the testing of egg-grading machines, being a counterpoise approved by the Board for such use as respects its form and the material of its construction.

2. For the purposes of any test referred to in this Schedule, an egg-grading machine shall be treated as grading any test poise correctly if, but only if—

(*a*) it grades that poise into the appropriate grade, that is to say, the grade specified in column 1 of Schedule 1 appropriate to the weight range specified in column 2 within which the weight of that poise falls; or

(*b*) in the case of a poise of a weight less than the weight range appropriate to the scheduled grade "small", it does not grade that poise into any of the scheduled grades.

PART II

Tests for egg-grading machines

1. Every egg-grading machine shall be tested in the following manner.

First test

2. For the purposes of this test (hereinafter referred to as "the first test"), the inspector shall select a set of test poises consisting of the number of pairs of test poises equivalent to the number of different scheduled grades into which the machine is designed to grade eggs, each pair of poises being selected in relation to a different scheduled grade and so that one of the poises in the pair weighs one-quarter of a dram more and the other one-quarter of a dram less than the minimum of the weight range (specified in column 2 of Schedule 1) appropriate to that grade.

3. In the case of a type A machine the set of test poises shall be fed indiscriminately into the machine in the manner in which eggs would be fed into it in the course of its normal operation, each poise being fed into the machine along the feed track, or (in the case of a multiple track machine) along each feed track, the number of times specified in column 2 of Part III of this Schedule in relation to a machine of that capacity.

4. In the case of a type B machine each poise in the set of test poises shall be fed indiscriminately into each weighing unit in the machine the number of times referred to in paragraph 3, each poise being fed into the unit in the following manner, that is to say, either—

(*a*) by placing it on the feed track serving that weighing unit; or

(*b*) by placing it by hand directly into that weighing unit.

5. If the machine fails to grade all the test poises correctly and—

(*a*) in the case of a machine bearing a stamp which has not been obliterated or defaced, the aggregate number of incorrect gradings does not exceed that specified in column 3(i) of Part III of this Schedule in relation to a machine of that capacity; or

(*b*) in the case of any other machine, the aggregate number of incorrect gradings does not exceed that specified in column 3(ii) of Part III of this Schedule in relation to a machine of that capacity;

the machine shall be submitted to the second test specified below.

Second test

6. For the purposes of this second test, the inspector shall select a further set of test poises consisting of each pair of test poises used in the first test which, or one of which, was incorrectly graded in that test.

7. In the case of a type A machine each pair of test poises so selected shall be fed into the machine along the feed track, or (in the case of a multiple track machine) along each feed track serving each weighing unit (being a unit grading eggs into a scheduled grade) by which that pair of poises, or one of that pair, was incorrectly graded in the first test. Each poise of the pair shall be fed into the machine along the relevant feed track such number of times as (together with the number of times that poise was fed into the machine along that feed track in the course of the first test) equals 25.

8. In the case of a type B machine each pair of test poises so selected shall be fed only into each weighing unit (being a unit grading eggs into a scheduled grade) by which that pair of poises, or one of that pair, was incorrectly graded in the first test. Each poise of the pair shall be fed into the relevant weighing unit such number of times as (together with the number of times that poise was fed into that weighing unit in the course of the first test) equals 25, and in the following manner, that is to say, either—

(*a*) by placing it on the feed track serving that weighing unit; or

(*b*) by placing it by hand directly into that weighing unit.

9. The machine satisfies the appropriate test for the purposes of regulation 4(2) if, but only if—

(*a*) when tested pursuant to the first test, it correctly grades all the test poises;

(*b*) when tested pursuant to the first and second tests, the number (under both such tests) of incorrect gradings of the test poises in each pair by each weighing unit—

(i) in the case of a machine bearing a stamp which has not been obliterated or defaced, does not exceed 13;

(ii) in the case of any other machine, does not exceed 11.

PART III

Column 1	Column 2	Column 3	
Capacity of machine	Number of times each test poise must be used in the first test	Maximum number of incorrect gradings in the first test for determining whether the machine is to be submitted to the second test	
		(i)	(ii)
		Machine bearing a stamp which has not been obliterated or defaced	Unstamped machine
2	12	13	11
3	8	13	11
4	6	13	11
5	5	13	11
6	4	13	11
7	4	15	12
8	3	13	11
9	3	15	12
10	3	17	13
11	3	18	14
12	2	13	11
13	2	14	11
14	2	15	12
15	2	17	13
16	2	18	14
17	2	19	14
18	2	20	15
19	2	21	16
20	2	22	17
21	2	24	17
22	2	25	18
23	2	26	19
24, 25 or 26	1	13	11
27 or 28	1	15	12
29, 30 or 31	1	17	13
32, 33 or 34	1	18	14
35 or 36	1	20	15
37, 38 or 39	1	21	16
40, 41 or 42	1	23	17
43, 44 or 45	1	25	18
46 or 47	1	26	19

Column 1	Column 2	Column 3	
Capacity of machine	Number of times each test poise must be used in the first test	Maximum number of incorrect gradings in the first test for determining whether the machine is to be submitted to the second test	
		(i) Machine bearing a stamp which has not been obliterated or defaced	(ii) Unstamped machine
48, 49 or 50	1	28	20
51, 52 or 53	1	30	23
54 or 55	1	31	24
56 or 57	1	32	25
58 or 59	1	34	26
60, 61 or 62	1	35	27
63 or 64	1	37	29
65 or 66	1	38	30
67 or 68	1	39	31
69, 70 or 71	1	41	33
72 or 73	1	42	34
74, 75 or 76	1	44	35
77 or 78	1	45	37
79 or 80	1	47	38
81 or 82	1	48	39
83, 84 or 85	1	49	41
86 or 87	1	51	42
88 or 89	1	52	43
90, 91 or 92	1	54	45
93 or 94	1	55	46
95, 96 or 97	1	57	47
98, 99 or 100	1	59	49

EXPLANATORY NOTE

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

These Regulations come into operation on the 31st January 1964. They replace the Weights and Measures (Amendment No. 4) Regulations 1942 (S.R. & O. 1942/1278), which cease to have effect with the repeal on that date of the Weights and Measures Act 1904.

The Regulations relate to the testing, passing as fit for use for trade and stamping of egg-grading machines. New and improved methods of testing these machines are now prescribed.