STATUTORY INSTRUMENTS

1972 No. 1551

WEIGHTS AND MEASURES

The Weights and Measures (Person Weighing Machines) (Amendment) Regulations 1972

Made - - - -	16*th October* 1972
Laid before Parliament	24*th October* 1972
Coming into Operation	15*th November* 1972

The Secretary of State, in exercise of his powers under sections 11(3), 14(1) and 58 of the Weights and Measures Act 1963**(a)** and all other powers enabling him in that behalf, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Weights and Measures (Person Weighing Machines) (Amendment) Regulations 1972 and shall come into operation on 15th November 1972.

(2) The Interpretation Act 1889**(b)** shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

2. The Weights and Measures (Person Weighing Machines) Regulations 1965**(c)** as amended **(d)**, shall have effect subject to the amendment that for Regulation 14 there shall be substituted—

"**14.**—(1) Subject to the following provisions of this Regulation an inspector shall obliterate the stamp on—

(*a*) any person weighing machine which fails to comply with the appropriate requirements of these Regulations;

(*b*) any person weighing machine which fails upon testing, to fall within the prescribed limits of error;

(*c*) any person weighing machine which fails to satisfy the tests applied to it in pursuance of regulation 8 of these Regulations;

(*d*) any person weighing machine which since it was last stamped, has been so altered, repaired or adjusted that in the opinion of the inspector, it has become necessary to ascertain that the indications of the instrument remain correct throughout its range.

(2) Where a person weighing machine 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 person in charge of the machine or send by post to the person making the machine available to the

(a) 1963 c. 31.
(b) 1889 c. 63.
(c) S.I. 1965/123 (1965 I, p. 231).
(d) S.I. 1970/1370 (1970 III, p. 4584).

public a notice calling on him to have it corrected within a stated period, not exceeding twenty-eight days, and shall obliterate the stamp if the correction has not been made within that period.

(3) Nothing in paragraph (1)(*d*) of this Regulation shall require an inspector to obliterate the stamp on any person weighing machine which has been altered or adjusted if he is satisfied

(*a*) that the purpose of the alteration or adjustment was to modify an imperial person weighing machine to indicate weight in metric units or in both metric and imperial units and involved only the replacement or addition of a dial, chart or pointer;

and

(*b*)(i) that within the period of fifteen days following the making of the alteration or adjustment the requirements of paragraph (5) of this Regulation were complied with; or

(ii) that the period for complying with these requirements has not yet expired.

(4) Where

(i) an imperial person weighing machine has been modified to indicate weight in metric units or in both metric and imperial units, and

(ii) within the period of fifteen days following the making of the alteration or adjustment the requirements of paragraph (5) of this Regulation were complied with

but an inspector, not being satisfied that the modification involved only the replacement or addition of a dial, chart or pointer, has obliterated the stamp on such a machine he shall restamp the machine if it complies with the appropriate requirements of these Regulations and meets the prescribed limits of error in relation to the obliteration of stamps, except where there is an agreement of the type referred to in paragraph (5)(*v*).

(5) The requirements referred to in paragraphs (3)(*b*) and (4) of this Regulation are that the chief inspector of weights and measures for the area in which the machine will first be used for trade after it has been altered or adjusted or, if the address at which it will be so used is not known, for the area in which the alteration or adjustment is carried out, is furnished by the person carrying out the alteration or adjustment with the following particulars, namely,—

(i) his name and address;

(ii) particulars by which the machine may be identified;

(iii) the name and address of the person who will first use the machine for trade after its alteration or adjustment and the address at which it will be so used or, if those particulars are not known, an address at which the machine will be available for inspection;

(iv) an indication as to whether or not the modification consisted only of the addition or replacement of a chart, dial or pointer; and

(v) where there is any other form of modification in place of or in addition to that in sub-paragraph (iv) of this paragraph, an indication as to whether the person owning the machine and the person modifying it have agreed that its accuracy after modification shall be such that that it falls within the limits ordinarily applicable upon the testing of such a machine with a view to its being passed as fit for use for trade.

(6) Where the alteration or adjustment of a machine for the purpose of modifying it to indicate weight in metric units or both metric and imperial units involves the carrying out of two or more operations and the machine is used, or intended to be used, for trade between the carrying out of those operations, each such operation shall be treated for the purposes of paragraphs (3) and (4) of this Regulation as a separate alteration or adjustment.".

Michael Heseltine,
Minister for Aerospace,
Department of Trade and Industry.

16th October 1972.

EXPLANATORY NOTE

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

These Regulations amend the Weights and Measures (Person Weighing Machines) Regulations 1965. The rules as to the obliteration of stamps on person weighing machines which have been altered or adjusted and the limits of error applicable on their retesting are relaxed in relation to machines which have been simply modified to record metric weights or both metric and imperial weights if notice of the modification has been given to the local chief inspector of weights and measures.

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