



STATUTORY INSTRUMENTS

S.I. No. 323 of 2008

LEGAL METROLOGY (GENERAL) REGULATIONS 2008

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LEGAL METROLOGY (GENERAL) REGULATIONS 2008

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LEGAL METROLOGY (GENERAL) REGULATIONS 2008

I, PATRICK FARRAGHER, Director of Legal Metrology, in exercise of the powers conferred on me by Sections 6, 14, 15, 16 and 17 of the Metrology Act 1996, hereby make the following Regulations:—

Part 1

PRELIMINARY

Citation

1. These Regulations may be cited as the Legal Metrology (General) Regulations 2008.

Interpretation

2. (1) In these Regulations—

‘Act’ means the Metrology Act 1996 (No. 27 of 1996);

‘authorised person’ means a person designated by a special body to apply the verification mark to specific instrument types or categories;

‘Directive 90/384/EEC’ means Council Directive 90/384/EEC of 20 June 1990 on the harmonization of the laws of the member states relating to non-automatic weighing instruments;

‘Directive 2004/22/EC’ means Directive 2004/22/EC of the European Parliament and of the Council of 31 March 2004 on measuring instruments;

‘EEA agreement’ means the Agreement of the European Economic Area signed in Oporto on 2 May 1992 as adjusted by the protocol signed at Brussels on 17 March 1993;

‘EEC initial verification mark’ has the meaning given to it in Regulation 5 (1) of the 1973 Regulations;

‘EEC pattern approval certificate’ means a certificate of approval, granted by the competent authority of a Member State, in respect of the pattern of a measuring instrument which certificate allows for and governs the application of any EEC pattern approval symbol to any measuring instrument;

‘EEC pattern approval symbol’ has the meaning given to it in Regulation 5(2) of the 1973 Regulations;

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 19th August, 2008.*

‘expanded measurement of uncertainty’ means the standard uncertainty of measurement multiplied by a coverage factor $k = 2$, which for a normal distribution corresponds to a coverage probability of approximately 95%;

‘intoxicating liquor dispenser’ means a measuring instrument other than a material measure used to dispense intoxicating liquor;

‘material measure’ means a device without moving parts intended to reproduce or supply, in a permanent manner during its use, one or more known values of a given quantity;

‘Member State’ means a member state of the European Union or a signatory of the EEA agreement or Switzerland;

‘non-conformity mark’ means the non-conformity mark prescribed under the Legal Metrology (Marks) Regulations, 2008 (S.I. No. 296 of 2008)

‘obliteration mark’ means the obliteration mark prescribed under the Legal Metrology (Marks) Regulations 2008 (S.I. No. 296 of 2008);

‘OIML’ means the International Organisation for Legal Metrology (Organisation Internationale de Métrologie Légale);

‘security mark’ means the security mark prescribed under the Legal Metrology (Marks) Regulations 2008 (S.I. No. 296 of 2008);

‘special body’ means a body authorised under section 12 of the Act;

‘taking out of service’ means taking out of use for the purpose of trade (or in the case of non-automatic weighing instruments taking out of use for any purpose prescribed by Regulation 4 (a) of the 1992 Regulations);

‘taximeter system’ means a taximeter and distance signal generator which together make up a measuring instrument;

‘verification mark’ means the verification mark prescribed under the Legal Metrology (Marks) Regulations 2008 (S.I. No. 296 of 2008);

‘weight’ means a material measure of mass;

‘1928 Regulations’ means the Weights and Measures (General) Regulations 1928 (Statutory Rules and Orders No. 71 of 1928);

‘1973 Regulations’ means the European Communities (Measuring Instruments) Regulations 1973 (S.I. No. 67 of 1973);

‘1992 Regulations’ means the European Communities (Non-automatic Weighing Instruments) Regulations 1992 (S.I. No. 424 of 1992);

‘2006 Regulations’ means the Legal Metrology (Type Approval) Regulations 2006 (S.I. No. 207 of 2006);

‘2007 Regulations’ means the Legal Metrology (European Conformity Assessment of Measuring Instruments) Regulations 2007 (S.I. No. 160 of 2007).

(2) Words and phrases in relation to instrument categories and instrument performance and/or characteristics shall have the meanings assigned to them as in Directive 90/384/EEC, Directive 2004/22/EC or any Directive leading to the affixation of the EEC initial verification mark on any measuring instrument, as appropriate.

(3) Words and phrases not otherwise defined herein shall have the meanings assigned to them by the Act.

Application of Regulations

3. (1) These Regulations shall apply as appropriate to instruments listed in Schedule 2 intended to be used or in use for the purpose of trade.

(2) These Regulations shall apply as appropriate to non-automatic weighing instruments in use for a purpose prescribed by Regulation 4(a) of the 1992 Regulations and references in these Regulations to use for the purpose of trade shall, where the context so admits or requires, include use for a purpose prescribed by Regulation 4(a) of the 1992 Regulations.

(3) Save as otherwise provided, nothing in these Regulations shall prohibit the use of instruments duly marked in accordance with the 1928 Regulations.

(4) Instruments referred to in paragraph (3) shall be marked in accordance with these Regulations. However, should conflict arise regarding the metrological or technical requirements of these Regulations when applied to those instruments so marked under the 1928 Regulations, such an instrument may continue to be used during a period of ten years from the commencement of these Regulations provided it continues to comply with the requirements of the 1928 Regulations.

(5) Regulation 4 and Regulation 5 shall not apply to instruments listed in Schedule 2 which are first placed on the market and put into use for the purpose of trade in accordance with the provisions of any of the following Regulations—

- (a) the 1992 Regulations,
- (b) the 2007 Regulations,
- (c) any Regulation requiring the affixation of the EEC initial verification mark to any measuring instrument.

Part 2

INSTRUMENTS INTENDED FOR TRADE USE — FIRST VERIFICATION

4. (1) An instrument intended to be used for the purpose of trade, which is of a type contained in a certificate of type approval granted, or taken to be granted, under Regulation 4(4) of the 2006 Regulations, shall not be used for

the purpose of trade unless it has undergone the verification procedure and been stamped with the verification mark in accordance with these Regulations.

(2) Subject to Regulation 66(1), an inspector or authorised person shall apply the verification mark to any instrument the subject of this Regulation where he has ascertained its compliance with—

- (a) a valid and subsisting type approval certificate granted, or taken to be granted, under Regulation 4(4) of the 2006 Regulations, in respect of the instrument type, or
- (b) the maximum permissible errors prescribed for verification applicable to such instrument, or
- (c) any other applicable provision of these Regulations.

5. (1) An instrument intended to be used for the purpose of trade that is of a kind prescribed as exempt from type approval shall not be used for the purpose of trade unless it has undergone the verification procedure and been stamped with the verification mark in accordance with these Regulations.

(2) Subject to Regulation 66(1), an inspector or authorised person shall apply the verification mark to any instrument the subject of this Regulation where he has ascertained its compliance with—

- (a) the maximum permissible errors prescribed for verification applicable to such instrument,
- (b) any other applicable provision of these Regulations.

6. If, notwithstanding compliance with Regulation 4 or Regulation 5, in the opinion of an inspector or authorised person, the instrument requiring verification is—

- (a) not sufficiently strong to withstand the wear and tear of normal use for which it is intended,
- (b) is intended to be used for a particular purpose for which it is not suitable,
- (c) is not presented in a clean condition,
- (d) is erected in such a manner as not to facilitate testing,

he may refuse to apply the verification mark and shall issue to the person submitting the instrument a statement in writing giving the reasons for the refusal.

Control In-Service

7. (1) Unless otherwise prescribed or provided, an instrument used for the purpose of trade shall be inspected in accordance with the provisions of these Regulations at least every two years.

(2) The Director may extend or reduce the in-service inspection interval in paragraph (1) for a particular geographical region or for a particular trade or for a particular type or category of instrument or for any other reason deemed necessary for the purposes of the proper application of the Act and any Regulations made thereunder.

(3) Notwithstanding paragraph (1), an instrument may be subject to surprise inspection from time to time.

8. (1) Upon in-service inspection an inspector may inspect any instrument which is the subject of these Regulations in use for the purpose of trade which has been marked with—

- (a) the EEC initial verification mark, or
- (b) the CE marking and green M according to the 1992 Regulations, or
- (c) the CE marking and supplementary metrology marking according to the 2007 Regulations, or
- (d) the verification mark applied in accordance with the provisions of Regulations 4, 5 or 9.

(2) Upon in-service inspection an inspector may allow to continue in use for the purpose of trade any instrument referred to in paragraph (1) unless—

- (a) the relevant maximum permissible errors prescribed for in-service inspection are exceeded,
- (b) the instrument has been modified so as no longer to comply with the applicable performance requirements for its first putting into use for the purpose of trade (except as regards maximum permissible errors) and including where appropriate any—
 - i. type approval certificate granted or taken to be granted in accordance with Regulation 4(4) of the 2006 Regulations, or
 - ii. EEC pattern approval certificate, or
 - iii. EC type approval certificate granted by a notified body in accordance with the provisions of Directive 90/384/EEC, or
 - iv. EC type examination or EC design examination certificate granted by a notified body in accordance with Directive 2004/22/EC;
- (c) the instrument has been repaired, altered or adjusted since the last verification, including where evidence of such repair, alteration or adjustment is by way of interference with or removal of a sealing or security device bearing a prescribed mark or marking,
- (d) the instrument has been broken or damaged to an extent which may affect its accuracy,

- (e) the instrument is in use for a particular purpose for which it was not intended,
- (f) the instrument is erected in such a manner as not to facilitate testing,
- (g) the instrument bears a mark that is not prescribed,
- (h) the instrument should not have been marked with the marks or markings referred to in paragraph (1),
- (i) the instrument fails to comply with any other applicable provision of these Regulations.

(3) Notwithstanding subparagraph (2)(a) and except in the case of a non-adjustable material measure, where an inspector determines that an instrument exceeds the prescribed maximum permissible error by not more than 10% or that the degree of non-compliance with the appropriate legal provisions is such that the instrument should not immediately be taken out of service, an inspector shall issue to the user a notice giving reasons for his decision and request that the matter be rectified within a period not exceeding 20 working-days.

Should the matter not have been rectified by the end of the period given by the notice, the inspector shall apply the non-conformity mark.

(4) Except where provided for in paragraph (3) an inspector shall apply immediately the non-conformity mark to any instrument found not to comply with the requirements of this Regulation.

(5) Notwithstanding that an instrument bears a verification mark, a repair, alteration or adjustment referred to in subparagraph (2)(c) shall be deemed to invalidate the instrument verification where that repair, alteration or adjustment interfered with the technical or metrological integrity of the instrument and the instrument shall thereafter undergo the procedure referred to in Regulation 9 and be stamped with the verification mark in order to be used for the purpose of trade.

9. Subject to Regulation 66(1), an inspector or authorised person shall apply the verification mark to any instrument referred to in Regulation 8(5) that has been repaired, altered or adjusted or otherwise brought into conformance since it was last verified provided it complies with—

- (a) the applicable performance requirements for its first placing on the market and including where appropriate any—
 - i. type approval certificate granted or taken to be granted in accordance with Regulation 4(4) of the 2006 Regulations, or
 - ii. EEC pattern approval certificate, or
 - iii. EC type approval certificate granted by a notified body in accordance with the provisions of Directive 90/384/EEC, or

iv. EC type examination or EC design examination certificate granted by a notified body in accordance with Directive 2004/22/EC.

- (b) the relevant maximum permissible errors prescribed for verification.
- (c) any other applicable provision of these Regulations.

10. Except where otherwise provided, an instrument shall not be used for the purpose of trade where—

- (a) such instrument bears a mark of non-conformity applied in accordance with these Regulations,
- (b) the verification mark applied to such instrument has been obliterated or deemed to be invalidated,
- (c) such instrument being the subject of Regulation 4(1) or Regulation 5(1) has not undergone the verification procedure and been marked with the verification mark.

11. (1) Except where otherwise provided, the application of a verification or non-conformity mark under these Regulations shall be deemed to invalidate all previously applied prescribed marks and shall continue in effect until such time as the instrument is again stamped with the verification mark or the non-conformity mark as the case may be.

(2) Where a verification mark is applied subsequent to a non-conformity mark it shall be applied in such a position that it obliterates any non-conformity mark in so far as possible.

(3) Any non-conformity mark required to be applied under these Regulations shall be applied in such a position that it obliterates any verification mark in so far as possible.

(4) Interference with or tampering with or removal of any security mark or any security device or seal shall be deemed to invalidate any previously applied verification mark.

12. The application of any prescribed mark under these Regulations shall not prevent the application of any inscription decided by the Director regarding the use or purpose of the instrument including limitations on that use or purpose, or whether the instrument may not be used for the purpose of trade.

13. Notwithstanding the provisions of these Regulations regarding the application of the non-conformity mark, where on in-service inspection a weight or other instrument, provided with a soft metal plug intended for the stamping of the verification mark, has been stamped with a verification mark on that soft metal and is found not to comply with these Regulations, the verification mark may be obliterated using the obliteration mark. In such a case the non-conformity mark need not be applied.

Equipment and records

14. When carrying out any metrological or technical test an inspector shall test any instrument subject to these Regulations by means of such traceable standards and testing equipment in the custody of the Legal Metrology Service as the inspector considers appropriate or, subject to any instructions given by the Director, by means of such other equipment (whether or not in the custody of the Legal Metrology Service) that the inspector considers suitable for the purpose.

15. An inspector shall make and maintain a record in a form specified by the Director of every visit to a premises or place conducted for the purpose of these Regulations and the results of instrument tests and examinations carried out under Regulations 4, 5, 8 and 9.

Instruments — general

16. (1) An instrument shall not be used for the purpose of trade except in the environmental conditions and in the manner for which it was intended, according to the information supplied by the manufacturer or supplier and/or within the limits of its declared performance specification.

(2) Where an instrument bears an inscription that signifies the manner and purpose of use, it shall not be used in a manner or for a purpose which does not accord with that information.

(3) No inscription or article may be placed on an instrument if it be so placed as to obscure or interfere with the placement of any prescribed mark or inscription.

17. In the case of any instrument which is required to be verified and stamped after it has been installed at the place where it is to be used, if, after the instrument has been so stamped, it is dismantled and/or reinstalled, whether in the same or some other location, it shall not be used for the purpose of trade until it has been again verified and stamped in accordance with these Regulations.

18. An instrument shall not be used for the purpose of trade in circumstances in which it may be prevented from operating consistently or accurately, or which are likely prematurely to degrade its metrological characteristics.

19. Any peripheral device, which records hard copy transaction information, including any record, receipt or label for consumers, regarding quantity and/or price to pay based on a measurement value, when legally connected to or part of a legally controlled measuring instrument, shall operate as lawfully required.

Flowmeter measuring systems

20. (1) Any product related test of a measuring system incorporating a flowmeter shall on verification or in-service inspection be tested under practical working conditions with a test liquid which shall be—

(a) the liquid that the instrument is intended to measure, or

- (b) a liquid having properties which replicate in all respects relevant to testing those of the liquid that the instrument is intended to dispense, or
- (c) water in the case of measuring system used for measuring milk using an appropriate correction factor as necessary.

(2) Unless otherwise provided for by the 2007 Regulations relating to its first putting into service, no flowmeter measuring system shall undergo verification until it is installed ready for use and complete with all its parts.

21. A user shall ensure that upon set-up or installation, or after repair and/or upon adjustment, the calibration of a flowmeter system shall be set as close to zero error as is practicable.

22. Unless otherwise provided for by the 2007 Regulations, the primary indicator on any flowmeter measuring system when in use for the purpose of trade shall—

- (a) be set to zero before measurement of the liquid commences,
- (b) remain at zero until liquid starts to emerge from or be sucked through the system for delivery and collection systems respectively,
- (c) not be reset to zero during measurement of the liquid,
- (d) not be advanced by any means other than by either the discharge of liquid from the system or the intake of liquid to the system for delivery and collection systems respectively.

23. On or before two years from the coming into force of these Regulations, a road tanker mounted flowmeter measuring system for delivering liquid fuel or collecting milk shall have a ticket printing mechanism associated which provides an individual printed ticket to be made available by the user. Information on the ticket shall include the time, date and quantity for the delivered or collected quantity, and for rigid vehicles the registration of the vehicle or the trailer in the case of articulated vehicles.

24. (1) A road tanker mounted flowmeter measuring system shall not be used for the purpose of trade to measure quantities of liquid delivered from a road tanker that are less than the minimum measured quantity unless a frustrated delivery has taken place and all reasonable precautions have been taken and all due diligence has been exercised to avoid a frustrated delivery.

(2) In paragraph (1) ‘frustrated delivery’ means a delivery of liquid fuel from a road tanker which cannot be completed because—

- (a) there is insufficient space in the buyer’s storage tank, or,
- (b) continuing the delivery would result in contamination of the liquid fuel or the mixing of different types of liquid fuel, or

(c) a component of the meter measuring system has broken down.

25. The applicable maximum permissible errors on testing for verification or in-service inspection of a retail fuel dispenser shall be as set down in Table 1.1 and Table 1.2 of Schedule 1.

26. The applicable maximum permissible errors on testing for verification or in-service inspection of a flowmeter measuring system other than that used for dispensing retail fuel shall be as set down in Table 2.1 of Schedule 1.

Automatic Catchweighers

27. Upon verification or in-service inspection of an automatic catchweigher—

- (a) the maximum permissible mean error (systematic) of an accuracy Class XI, XII, XIII or XIV instrument shall fall within the errors for that instrument as set down in Table 3.1 of Schedule 1,
- (b) the maximum permissible value of the standard deviation of a Class X(x) instrument shall fall within the values for that instrument as set down in Table 3.2 of Schedule 1,
- (c) the maximum permissible error (dynamic) of an accuracy Class Y(I), Y(II), Y(a) or Y(b) shall fall within the errors for that instrument as set down in Table 3.3 of Schedule 1,
- (d) the maximum permissible error of an accuracy Class XI, XII, XIII, XIV, Y(I), Y(II), Y(a) or Y(b) in non-automatic (static) operation, shall fall within the errors for that instrument as set down in Table 3.4 of Schedule 1.

28. An automatic catchweigher of accuracy Class Y (b) shall only be used for weighing refuse or ballast. In this Regulation, ballast shall be construed as any material used in the construction industry as ballast or aggregate including sand, gravel, shingle, or stone chippings.

Automatic Gravimetric Filling Instruments

29. Where in conformance with essential requirement 7.6 of Schedule III of the 2007 Regulations, a gravimetric filling instrument is provided with special equipment for its testing and that equipment is not a permanent fixture of the instrument, such equipment shall be kept, by the user, readily available in the vicinity of the instrument for the use of the inspector or the authorised person.

30. (1) Subject to paragraph (2), a user shall ensure that a gravimetric filling instrument is properly balanced or set to zero immediately prior to use.

(2) Paragraph (1) shall not apply in the case of an instrument that is designed so as not to balance when unloaded.

31. The maximum permissible errors on testing of an automatic gravimetric filling instrument for verification and in-service inspection shall fall within the errors set down in section 4 of Schedule 1 relating to Table 4.1 and Table 4.2

respectively, and where test fills are required these limits shall be determined on the basis of consecutive fills.

Automatic Discontinuous Totalisers

32. (1) Where in conformance with essential requirement 7.6 of Schedule III of the 2007 Regulations, a discontinuous totaliser is provided with special equipment for its testing and that equipment is not a permanent fixture of the instrument, such equipment shall be kept, by the user, readily available in the vicinity of the instrument for the use of the inspector or the authorised person.

(2) An automatic discontinuous totaliser which has either a non-automatic zero-setting device or semi-automatic zero-setting device shall be erected in such a manner that the operator can, notwithstanding the nature of the instrument or its surroundings, readily take up a single position from which the zero and the zero-setting controls can be checked.

33. An automatic discontinuous totaliser shall only be used for the purpose of weighing material the values of which expressed in units of measurement of mass, are neither—

- (a) less than the value of the minimum totalised load,
- (b) less than the value of the minimum capacity unless processed as the last discrete load of a trade transaction,
- (c) more than the value of the maximum capacity.

34. The maximum permissible error on testing of an automatic discontinuous totaliser for verification or in-service inspection shall fall within the errors set down in Table 5.1 of Schedule 1.

Automatic Continuous Totalisers (Beltweighers)

35. (1) Where in conformance with essential requirement 7.6 of Schedule III of the 2007 Regulations, a beltweigher is provided with special equipment for its testing and that equipment is not a permanent fixture of the instrument, such equipment shall be kept by the user readily available in the vicinity of the instrument for the use of the inspector or the authorised person.

(2) Notwithstanding paragraph (1) a suitable control instrument such as a non-automatic weighing instrument shall be provided or made available within the vicinity of the beltweigher by the user to the inspector or the authorised person for the determination of discrete loads as part of the testing of a beltweigher.

36. A beltweigher shall not be used in such a manner as to cause spillage of material from the belt, or loading of the weighing unit above its maximum capacity.

37. A beltweigher shall be erected in such a manner that the operator can readily take up a single position from which it is possible to—

- (a) read any indication of zero totalisation,
- (b) operate any zero-setting control,
- (c) see whether the belt passing over the weighing unit is empty.

38. The maximum permissible errors on testing for verification or in-service inspection of a beltweigher shall fall within those set down in Table 6.1 of Schedule 1.

Taximeter systems

39. (1) An inspector or authorised person may apply the verification mark to a taximeter system where—

- (a) a taximeter has been installed in a public service vehicle as required by Regulations made under the Taxi Regulation Act 2003 (No. 25 of 2003),
- (b) such a taximeter is the subject of a certificate of type approval granted, or taken to be granted as part of a taximeter system, under Regulation 4 (4) of the 2006 Regulations, or
- (c) the taximeter has been marked with the CE marking and the supplementary metrology marking in accordance with the provisions of the 2007 Regulations.

(2) Upon verification or in-service inspection the maximum permissible errors in relation to distance and elapsed time shall fall within those set down in Table 7.1 of Schedule 1 as appropriate.

(3) A taximeter system shall not be tested under this Regulation unless the taximeter has a software programme installed that has been found by the Legal Metrology Service to comply with the maximum fares order in force under the Taxi Regulation Act 2003.

40. The transfer of a taximeter from one vehicle to another is deemed to invalidate the verification mark notwithstanding that any sealing or security arrangement remains unbroken or that the verification mark remains affixed or intact.

41. (1) After a temporary semi-automatic totalisation of the fare and extras the display on a taximeter shall automatically return to the separate indications for fare and extras as were displayed prior to such totalisation either—

- (a) immediately after 30 seconds should the vehicle remain immobile, or
- (b) as soon as the wheels of the vehicle start to rotate,

whichever is first to occur.

Material Measures of Length

42. The maximum permissible error on testing for verification of a material measure of length shall fall within those set down in Section 8 of Schedule 1 including applicable conditions.

43. The maximum permissible error on testing for in-service inspection of a material measure of length shall fall within twice those referred to in Regulation 42.

Capacity Serving Measures

44. The maximum permissible error on testing for in-service inspection of a capacity serving measure shall fall within those set down in Table 9.1 of Schedule 1.

45. The capacity on a line measure shall be determined by the level of liquid at the top of the line as read from the bottom of the meniscus.

Dimensional Measuring Instruments

46. (1) The maximum permissible error on testing for verification or in-service inspection of a length measuring instrument shall be as set down in Table 10.1 of Schedule 1 as appropriate.

(2) The maximum permissible error on testing for verification or in-service inspection of an area measuring instrument shall fall within those set down in Table 10.2 of Schedule 1 as appropriate.

(3) The maximum permissible error on testing for verification or in-service inspection of a multi-dimensional measuring instrument shall fall within those set down in Table 10.3 of Schedule 1 as appropriate.

Intoxicating Liquor Dispensers

47. An intoxicating liquor dispenser shall be fitted—

(a) with a sight glass or other device which can show clearly that the measuring chamber is charged and discharged, or

(b) with a device or devices which prevent(s)—

i. any liquid being discharged by a measuring chamber until the chamber is properly charged,

ii. a measuring chamber being again charged until it has been properly discharged.

48. An intoxicating liquor dispenser shall be legibly and durably marked with the name of its manufacturer or supplier and the nominal quantity it is designed to dispense. The nominal quantity shall be denoted using the appropriate legal unit or abbreviation allowed and shall be placed on part of the instrument visible to the consumer when installed for use.

49. Upon verification or in-service inspection an intoxicating liquor dispenser shall dispense the declared nominal quantity within the maximum permissible error as set down in Table 11.1 of Schedule 1 as appropriate.

50. No intoxicating liquor dispenser as referred to in Regulation 47(a) shall be verified where the information relating to nominal quantity—

- (a) is in any way obscured by an overhanging advertising or brand plaque,
- (b) where a brand name is given on the sight glass.

51. Before testing an intoxicating liquor dispenser it shall be ensured that—

- (a) liquid has first been passed through the instrument or that the instrument is fully primed,
- (b) when it is fully primed no leakage is apparent.

52. Upon testing for verification an intoxicating liquor dispenser may be tested with—

- (a) water, or
- (b) the liquor it is intended to dispense, or
- (c) a liquid with the same physical characteristics, as determined by the inspector, as the liquor which the intoxicating liquor dispenser is intended to dispense.

53. Where tested for dispensed quantity on in-service inspection an intoxicating liquor dispenser shall only be tested with the liquor the dispenser is intended to dispense.

54. Nothing in the requirements of Regulations 47 to 52 shall preclude the use of an appropriate sampling scheme for stamping of intoxicating liquor dispensers at the manufacturing or distribution stage under such conditions as are set by the Director.

Weights

55. A weight intended for use for the purpose of trade is exempt from the requirement of type approval.

56. The verification mark shall be applied on the material in the adjustment cavity. Weights that are not required to have and are not provided with an adjustment cavity shall have the mark applied on the under surface.

57. A thin plate or wire weight shall have the verification mark applied to the case in which it is kept.

58. Except as regards the extent that it may contain adjustment material in the adjustment cavity a weight used for the purpose of trade shall comply regarding its material(s) of construction, design and identification marks with

those for M₂ Class weights from 20 kg to 100 mg in the Recommendation No.111, edition 2004 of the OIML.

59. Nothing in these Regulations shall preclude any weight from being verified and stamped in accordance with these Regulations by reason of the fact that one or more edges are chamfered or rounded.

60. The maximum permissible errors on testing of a weight on verification or in-service inspection shall be as set down in Table 12.1 of Schedule 1.

61. Thin sheet and wire weights shall be adjusted by cutting, abrasion or grinding. A cylindrical weight that does not have an adjustment cavity shall be adjusted by grinding.

62. A weight that has an adjustment cavity shall be adjusted by adding or removing dense, metallic material such as lead shot. If no more material can be removed, it may be adjusted by grinding.

63. Upon verification or in-service inspection an inspector shall test a weight using appropriate standard weights by the substitution method on test equipment which can provide an expanded measurement of uncertainty for the method that does not exceed one-third of the relevant amount set down in Column 2 of Table 12.1 of Schedule 1 for the weight under test.

Non-automatic Weighing Instruments

64. The maximum permissible errors applicable for verification of non-automatic weighing instruments are set down in Table 13.1 of Schedule 1.

65. The maximum permissible errors applicable for in-service inspection of non-automatic weighing instruments are twice the values set down in Table 13.1 of Schedule 1.

Final provisions

66. (1) Where it is impractical to stamp an instrument because of its design or construction its container or accompanying papers shall be marked to record its legal status.

(2) Any prescribed mark(s) or marking(s) shall remain un-defaced otherwise than by reason of normal wear and tear.

67. Where in the circumstances of any case or cases, it appears to the Director to be inadvisable to comply literally with any requirement of these Regulations, the Director may, if he thinks fit, dispense with the observation of, or vary such requirement upon such conditions, if any, as he may impose.

68. The operational procedures required to be carried out to establish compliance with the provisions of these Regulations shall be identified by the Director. Where such procedures require metrological or technical tests, in so far as possible, such tests and test procedures shall be based on—

- (a) documents cited by the European Commission in support of Directive 90/384/EEC or Directive 22/2004/EC or, where no such document is available,
- (b) Recommendations published by OIML or, where there are no such Recommendations,
- (c) best practice.

69. (1) An inspector who is considering the performance of any operation for a purpose referred to in Regulation 4, 5, 6, 8 or 9, in connection with a particular instrument or otherwise, or has performed such operation in connection with a particular instrument, may refer any question as to the application of these Regulations or any relevant metrological question to the Director for interpretation or guidance, and the Director may, where he considers it necessary or desirable to do so, issue an interpretation or guidance to that inspector, or to such inspectors and other persons as he considers appropriate.

(2) Nothing in paragraph (1) shall require the Director to issue any interpretation or guidance where he does not consider it necessary or desirable to do so.

(3) Any person aggrieved by the performance of any operation for a purpose referred to in Regulation 4, 5, 6, 8 or 9 in connection with a particular instrument by an inspector or, where relevant, by a special body, may, within seven days of such performance, appeal to the Director in writing against such performance. The appeal shall set out specifically any manner in which it is claimed that the inspector or special body misapplied any provision of these Regulations or any other provision or misperformed or misinterpreted any testing operation. The Director shall not decide the appeal until he has—

- (a) received a report on the matter from the inspector or special body concerned, and
- (b) afforded the person aggrieved and the inspector or special body an opportunity to make submissions to him, and
- (c) where he considers it necessary or desirable, received the result of any other test or examination of the instrument performed on his behalf by any other person for that purpose.

(4) In deciding the appeal, the Director may—

- (a) reject the appeal and confirm the performance of any operation by the inspector or special body concerned, or
- (b) allow the appeal and direct the inspector or special body concerned to perform the operation concerned in some other manner specified in that direction.

(5) A decision by the Director on an appeal under this paragraph shall be final and binding and no further appeal shall lie under these Regulations.

70. When carrying out any duty or provision under these Regulations the following obligations apply—

- (a) An inspector shall not wilfully disclose or cause to be disclosed directly or indirectly the secrets of the business of any manufacturer, supplier, or user, knowledge of which secrets the inspector has come into possession in the course of performance of his duties, nor shall he or her otherwise betray the confidence of his office except as regards reporting such information as part of his duties as an inspector.
- (b) An inspector shall not seek or accept any gratuity or reward from any manufacturer, supplier or user of any measuring instrument.
- (c) An inspector shall not recommend either directly or indirectly any particular manufacturer, supplier or repairer with respect to the purchase, provision, repair, or adjustment of any instrument.

71. An inspector shall not delegate to any other person any of his duties in such a manner as to enable it to be held out or make it appear that the assistant acts independently as an inspector.

Revocations

72. Except where and to the extent otherwise provided for in paragraphs (3) and (4) of Regulation 3, the Weights and Measures (General) Regulations 1928 (Statutory Rules and Orders 1928 No. 71) are revoked.

73. The Weights and Measures (Taximeter: Section 136 of the Road Traffic Act 1933) Regulations 1938 (S.I. No. 286 of 1938) are revoked.

SCHEDULE 1

1. Retail Fuel Dispensers.*Regulation 25.*

Quantity indicated (V)	Maximum permissible error	
	Verification	In-service inspection
$V < 0.1$ litre	+ 2 ml - 2 ml	+ 4 ml - 2 ml
$0.1 \text{ litre} \leq V < 0.2$ litre	+ 2% - 2%	+ 4% - 2 %
$0.2 \text{ litre} \leq V < 0.4$ litre	+ 4 ml - 4 ml	+ 8 ml - 4 ml
$0.4 \text{ litre} \leq V < 1$ litre	+ 1% - 1%	+ 2% - 1%
$1 \text{ litre} \leq V < 2$ litre	+ 10 ml - 10 ml	+ 20 ml - 10 ml
2 litre or more	+ 0.5% - 0.5%	+ 1% - 0.5%

Table 1.1 Maximum permissible error for any measured quantity

Minimum Measured Quantity (MMQ)	Maximum permissible error ($E_{\min}$)	
	Verification	In-service inspection
$MMQ < 0.1$ litre	+ 4 ml - 4 ml	+ 8 ml - 4 ml
$0.1 \text{ litre} \leq MMQ < 0.2$ litre	+ 4% - 4%	+ 8% - 4 %
$0.2 \text{ litre} \leq MMQ < 0.4$ litre	+ 8 ml - 8 ml	+ 16ml - 8 ml
$0.4 \text{ litre} \leq MMQ < 1$ litre	+ 2% - 2%	+ 4% - 2%
$1 \text{ litre} \leq MMQ < 2$ litre	+ 20 ml - 20 ml	+ 40 ml - 20 ml
$2 \text{ litre} \leq MMQ$	+ 1% - 1%	+ 2 % - 1%

Table 1.2 Maximum permissible errors for minimum measured quantity (MMQ)

Note: — for the above tables 1.1 and 1.2 in relation to measuring systems measuring in mass: litre (l) shall be read as kilogram (kg) and millilitre (ml) shall be read as milligram (mg).

Conditions relating to maximum permissible error

The maximum permissible error is subject to the following conditions:—

a) The maximum permissible error for MMQ ($E_{\min}$) shall be according to Table 1.2. The maximum permissible error for any subsequent value up to and including 2MMQ shall be limited to the value of $E_{\min}$

b) The maximum permissible error for any measured quantity is the greater of the value according to Table 1.1 or that of $E_{\min}$ for that instrument as set down in Table 1.2.

2. Flowmeter Measuring Systems other than for Retail Fuel

regulation 26

Quantity	Maximum permissible error for Class 0.5
From MMQ to and including 2MMQ	$\pm 1\% \times \text{MMQ}$
> 2MMQ	$\pm 0.5\% \times \text{quantity delivered or collected}$

Note 1: — MMQ is the minimum measured quantity

Note 2: — For measuring systems measuring in mass, litre (l) shall be read as kilogram (kg) and millilitre (ml) shall be read as milligram (mg).

Table 2.1 Maximum permissible error for any measured quantity

3. Automatic Catchweighers — including automatic checkweigher, automatic weight labeller and automatic weight/price labeller.

regulation 27(a)

Net Load (m) in verification scale intervals (e)				Maximum permissible mean error	
XI	XII	XIII	XIV	Verification	In-service inspection
$0 < m \leq 50000$	$0 < m \leq 5000$	$0 < m \leq 500$	$0 < m \leq 50$	$\pm 0.5 e$	$\pm 1.0 e$
$50000 < m \leq 200000$	$5000 < m \leq 20000$	$500 < m \leq 2000$	$50 < m \leq 200$	$\pm 1.0 e$	$\pm 1.5 e$
$200000 < m$	$20000 < m \leq 100\ 000$	$2000 < m \leq 10000$	$200 < m \leq 1000$	$\pm 1.5 e$	$\pm 2.0 e$

Table 3.1 Maximum permissible mean error for verification and in-service inspection of Class X instruments

Net Load (m)	Maximum permissible standard deviation for class X(1)	
	Verification	In-service inspection
$m \leq 50 \text{ g}$	0.48%	0.6%
$50 \text{ g} < m \leq 100 \text{ g}$	0.24 g	0.3 g
$100 \text{ g} < m \leq 200 \text{ g}$	0.24%	0.3%
$200 \text{ g} < m \leq 300 \text{ g}$	0.48 g	0.6 g
$300 \text{ g} < m \leq 500 \text{ g}$	0.16%	0.2%
$500 \text{ g} < m \leq 1000 \text{ g}$	0.8 g	1.0 g
$1000 \text{ g} < m \leq 10000 \text{ g}$	0.08%	0.1%
$10000 \text{ g} < m \leq 15000 \text{ g}$	8 g	10 g
$15000 \text{ g} < m$	0.053%	0.067%
For class XI and XII (x) shall be less than 1 For class XIII (x) shall be not greater than 1 For class XIV (x) shall be greater than 1		

Table 3.2 Maximum permissible value of the standard deviation

The maximum permissible value of the standard deviation of a Class X (x) instrument is the result of the multiplication of the factor (x) by the value in Table 3.2

Net Load (m) in verification scale intervals (e)				Maximum permissible error	
Y(I)	Y(II)	Y(a)	Y(b)	Verification	In-service inspection
$0 < m \leq 50000$	$0 < m \leq 5000$	$0 < m \leq 500$	$0 < m \leq 50$	$\pm 1.0 \text{ e}$	$\pm 1.5 \text{ e}$
$50000 < m \leq 200000$	$5000 < m \leq 20000$	$500 < m \leq 2000$	$50 < m \leq 200$	$\pm 1.5 \text{ e}$	$\pm 2.5 \text{ e}$
$200000 < m$	$20000 < m \leq 100\ 000$	$2000 < m \leq 10000$	$200 < m \leq 1000$	$\pm 2.0 \text{ e}$	$\pm 3.5 \text{ e}$

Table 3.3 Maximum permissible error for Category Y instruments on verification and in-service inspection in automatic operation

Net Load (m) in verification scale intervals (e)								Maximum permissible error	
XI	Y(I)	XII	Y(II)	XIII	Y(a)	XIV	Y(b)	Verification	In-service inspection
$0 < m \leq 50000$		$0 < m \leq 5000$		$0 < m \leq 500$		$0 < m \leq 50$		$\pm 0.5 e$	$\pm 1.0 e$
$50000 < m \leq 200000$		$5000 < m \leq 20000$		$500 < m \leq 2000$		$50 < m \leq 200$		$\pm 1.0 e$	$\pm 2.0 e$
$200000 < m$		$20000 < m \leq 100000$		$2000 < m \leq 10000$		$200 < m \leq 1000$		$\pm 1.5 e$	$\pm 3.0 e$

Table 3.4 Maximum permissible error for Category X and Category Y instruments in non-automatic operation

4. Automatic Gravimetric Filling Instruments

Verification error

regulation 31

Value of the mass m (in grammes) of the fills	Maximum permissible deviation of each fill from the average for class X(1)
$m \leq 50$	7.2 %
$50 < m \leq 100$	3.6 g
$100 < m \leq 200$	3.6 %
$200 < m \leq 300$	7.2 g
$300 < m \leq 500$	2.4 %
$500 < m \leq 1000$	12 g
$1000 < m \leq 10000$	1.2 %
$10000 < m \leq 15000$	120 g
$15000 <$	0.8 %
<i>Note:</i> The calculated deviation of each fill from the average may be adjusted to take account for the effect of material particle size.	

Table 4.1 Deviation from average fill

Static weighing error

a) For static loads under rated operating conditions, the MPE for reference accuracy class Ref(x), shall be 0.312 of the maximum permissible deviation of each fill from the average; as set down in Table 4.1; multiplied by the class designation factor (x).

b) For instruments where the fill may be made up from more than one load (e.g. cumulative or selective combination weighers) the MPE for static loads shall be the accuracy required for the fill as set down in 4.2 (i.e. not the sum of the maximum permissible deviation for the individual loads).

Error relative to pre-set value (setting error)

a) For instruments where it is possible to pre-set a fill weight; the maximum difference between the pre-set value and the average mass of the fills shall not exceed 0.312 of the maximum permissible deviation of each fill from the average, as set down in Table 4.1.

Value of the mass m (in grammes) of the fills	Maximum permissible deviation of each fill from the average for class X(1)
$m \leq 50$	9.0%
$50 < m \leq 100$	4.5 g
$100 < m \leq 200$	4.5%
$200 < m \leq 300$	9.0 g
$300 < m \leq 500$	3.0%
$500 < m \leq 1000$	15 g
$1000 < m \leq 10000$	1.5%
$10000 < m \leq 15000$	150 g
$15000 < m$	1.0%

Table 4.2 Maximum permissible deviation

Note 1: — where the reference particle mass exceeds 0.1 of the maximum permissible deviation for in/service inspection, the values derived from Table 4.2. shall be increased by 1.5 times the value of the reference particle mass. However, the maximum value of the maximum permissible deviation shall not exceed (x) x 9%.

Note 2: — Table 4.2 is illustrative of the maximum permissible deviation where the class designation factor is equal to 1.

The automatic gravimetric filling instrument shall have a specified accuracy class X(x) for which the maximum permissible error value of each fill from the average shall be equal to the limits set down in Table 4.2, multiplied by the class designation factor (x). (x) shall be 1×10^k , 2×10^k , 5×10^k , k being a positive or negative whole number or zero.

5. Automatic Discontinuous Totalisers

Accuracy class	Verification	In-service inspection
0.2	$\pm 0.10 \%$	$\pm 0.20 \%$
0.5	$\pm 0.25 \%$	$\pm 0.50 \%$
1	$\pm 0.50 \%$	$\pm 1.00 \%$
2	$\pm 1.00 \%$	$\pm 2.00 \%$

Table 5.1 Maximum permissible error for totalised load

6. Automatic Continuous Totalisers (Beltweighers)*regulation 38*

Accuracy class	Verification	In-service inspection
0.5	$\pm 0.25 \%$	$\pm 0.50 \%$
1	$\pm 0.50 \%$	$\pm 1.00 \%$
2	$\pm 1.00 \%$	$\pm 2.00 \%$

Table 6.1 Maximum permissible error for totalised load

7. Taximeter Systems*regulation 39*

Indication	Verification or In-service inspection
Distance	$\leq 4\%$ in deficiency No error in excess allowed
Time	+/- 1% of the elapsed time

Table 7.1 Maximum permissible error

8. Material Measures of Length*regulation 42*

Accuracy Class	a (mm)	b (mm)	c (mm)
I	0.1	0.1	0.1
II	0.3	0.2	0.2
III	0.6	0.4	0.3
D — special class for dipping tapes(1)Up to and including 30 m (2)	1.5	zero	Zero
S — special class for tank strapping tapes For each 30 m length when the tape is supported on a flat surface	1.5	zero	zero

(1) Applies to the tape/dip weight combinations.

(2) If the nominal tape length exceeds 30 m, an additional mpe of 0.75 mm shall be permitted for each 30 m of tape length.

Table 8.1 Maximum permissible error for verification

Conditions

- (a) The maximum permissible error, positive or negative in mm, between two non-consecutive scale marks is $(a + bL)$, where:—

— L is the value of the length rounded up to the next whole metre;
and

— a and b are as set down in Table 8.1.

- (b) When a terminal interval is bounded by a surface, the maximum permissible error for any distance beginning at this point is increased by the value c set down in Table 8.1.
- (c) Dip tapes may also be of Classes I or II in which case for any length between two scale marks, one of which is on the sinker and the other on the tape, the mpe is 0.6 mm when application of the formula gives a value of less than 0.6 mm.
- (d) The maximum permissible error for the length between consecutive scale marks, and the maximum permissible difference between two consecutive intervals, are set down in Table 8.2 below.
- (e) Where a rule is of the folding type, the jointing shall be such as not to cause any errors, supplementary to the errors above, exceeding 0.3 mm for Class II, and 0.5 mm for Class III.

Length i of the interval	Maximum permissible error or difference in millimetres according to accuracy class		
	I	II	III
$i \leq 1 \text{ mm}$	0.1	0.2	0.3
$1 \text{ mm} < i \leq 1 \text{ cm}$	0.2	0.4	0.6

Table 8.2

9. Capacity Serving Measures

regulation 44

	Line	Brim
Transfer measures		
$< 100 \text{ ml}$	$\pm 2 \text{ ml}$	$- 0$ $+ 4 \text{ ml}$
$\geq 100 \text{ ml}$	$\pm 3\% \text{ of } V_n$	$- 0$ $+ 6\% \text{ of } V_n$
Serving measures		
$< 200 \text{ ml}$	$\pm 5\% \text{ of } V_n$	$- 0$ $+ 10\% \text{ of } V_n$
$\geq 200 \text{ ml}$	$\pm (5 \text{ ml} + 2.5\% \text{ of } V_n)$	$- 0$ $+ 10 \text{ ml} + 5\% \text{ of } V_n$

Where V_n is equal to the nominal capacity

Table 9.1 Maximum permissible error

10. Dimensional Measuring Instruments

Length Measuring Instrument

regulation 46(1)

Accuracy class	Verification	In-service inspection
I	+ 0.125 %	± 0.25 %
II	+ 0.25 %	± 0.5 %
III	+ 0.5 %	± 1.0 %

However, the absolute values of the maximum permissible errors may not be less than the values set down below:—

in class I: $0.005 L_m$,
in class II: $0.01 L_m$,
in class III: $0.02 L_m$,

Where L_m is the minimum measurable length, that is to say the smallest length specified by the manufacturer for which the instrument is intended to be used.

Table 10.1 Maximum permissible error

Area Measuring Instrument

regulation 46(2)

Verification	In-service inspection
± 1.0%, but not less than 1 dm ²	± 2.0%

Table 10.2 Maximum permissible error

Multi-dimensional measuring instrument

regulation 46(3)

Verification and In-service inspection
± 1.0 d

Where 'd' is the difference between two consecutive indicated values of the dimension for each range in each axis.

Table 10.3 Maximum permissible error

11. Intoxicating Liquor Dispensers*regulation 49*

Indication	Verification	In-service inspection
Nominal value	- 0 + 0.5%	$\pm 0.5\%$

Table 11.1 Maximum permissible error

12. Weights*regulation 60*

Column 1	Column 2	Column 3
Nominal Value	Verification (+ only)	In-service inspection ($\pm$)
20 kg	3000 mg	3000 mg
10 kg	1600 mg	1600 mg
5 kg	800 mg	800 mg
2 kg	300 mg	300 mg
1 kg	160 mg	160 mg
500 g	80 mg	80 mg
200 g	30 mg	30 mg
100 g	16 mg	16 mg
50 g	10 mg	10 mg
20 g	8 mg	8 mg
10 g	6 mg	6 mg
5 g	5 mg	5 mg
2 g	4 mg	4 mg
1 g	3 mg	3 mg
500 mg	2.5 mg	2.5 mg
200 mg	2 mg	2 mg
100 mg	1.6 mg	1.6 mg

Table 12.1 Maximum permissible error

13. Non-Automatic Weighing Instruments*regulation 64*

mpe	For loads m expressed in verification scale intervals e			
	Class I	Class II	Class III	Class IIII
$\pm 0.5 e$	$0 \leq m \leq 50000$	$0 \leq m \leq 50\,00$	$0 \leq m \leq 500$	$0 \leq m \leq 50$
$\pm 1 e$	$50000 < m \leq 200000$	$5000 < m \leq 20000$	$500 < m \leq 2000$	$50 < m \leq 200$
$\pm 1.5 e$	$20000 < m$	$20000 < m \leq 100\,000$	$2000 < m \leq 10000$	$200 < m \leq 1000$

Table 13.1 Maximum permissible error

SCHEDULE 2

- 1 Measuring systems for liquids other than water of viscosity less than 20 mPa.s in particular fuel dispensers (not for liquefied gas) and measuring systems on road tankers (not for liquefied gas);
- 2 Automatic catchweighing instruments including checkweighers, weight price labellers and weight labellers;
- 3 Automatic gravimetric filling instruments;
- 4 Discontinuous totalising weighing instruments;
- 5 Continuous totalising weighing instruments;
- 6 Taximeter systems;
- 7 Material measures of length;
- 8 Capacity serving measures;
- 9 Dimensional measuring instruments comprising length, area and multi-dimensional measuring instruments;
- 10 Intoxicating liquor dispensers;
- 11 Weights;
- 12 Non-automatic weighing instruments.

GIVEN under my hand,
14 August 2008

PATRICK FARRAGHER,
Director of Legal Metrology

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations replace and update existing Regulations relating to national first verification of measuring instruments intended to be used for the purpose of trade by setting down the requirements and conditions that must be met by these instruments. The Regulations also set down the terms and conditions applicable for the in-service inspection of instruments and the conditions leading to reverification.

Recognition is given in Regulations 4, 5 and 9 to authorised persons, who have been designated by Special Bodies that have been granted authorisation under Section 12 of the Act, enabling them to apply the prescribed verification mark to instruments that fulfil the appropriate requirements. Inspectors retain the right to verify instruments and enforce provisions on in-service control of instruments.

An appeals procedure is laid down in Regulation 69 that allows any person affected by a decision of an inspector or an authorised person to appeal that decision to the Director for his consideration in the first instance.

A measuring instrument that does not conform to the requirements of these Regulations may not be used for the purpose of trade. Offences relating to the breach of these Regulations are contained in the Metrology Act 1996.

BAILE ÁTHA CLIATH
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Le ceannach díreach ón
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TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
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