

GREFFE
ROYAL COURT
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GUERNSEY

GUERNSEY STATUTORY INSTRUMENT
1991 No. 52

The Weights and Measures (Measuring Equipment)
(Intoxicating Liquor) Regulations, 1991

Made 16th December, 1991
Laid before the States ... 29th January, 1992
Coming into operation ... 17th December, 1991

THE STATES BOARD OF EMPLOYMENT, INDUSTRY AND COMMERCE, in exercise of the powers conferred by sections 8(1) and (4), 11(1), 61(1) and (3) of the Weights and Measures (Guernsey and Alderney) Law, 1991(a) and in exercise of all other powers enabling it in that behalf, hereby makes the following Regulations -

Application

1. These Regulations apply to measuring equipment for use for trade on premises where liquor is sold by retail for the purpose of making any measurement of liquor in a quantity not exceeding one quart; and measuring equipment to which these Regulations apply is hereby prescribed for the purposes of section 8(1) of the Law.

2.(1) Subject to paragraph (2) and Regulation 3 below, Parts II, III and IV of the United Kingdom Measuring Equipment (Intoxicating Liquor) Regulations 1983(b) ("the United Kingdom

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- (a) Ordre en Conseil No. XVII of 1991.
(b) United Kingdom S.I. 1983/1656 as amended by United Kingdom S.I. 1984/273.

Regulations") shall have effect in the Bailiwick as regulations under the Law for the purpose of prescribing for intoxicating liquor measuring equipment -

- (a) principles of construction and marking;
- (b) testing;
- (c) prescribed limits of error; and
- (d) passing as fit for use for trade, stamping and obliteration of such stamps.

(2) (a) In Regulation 11 of the United Kingdom Regulations for the words "the Act" there shall be substituted "the Law".

(b) In Regulation 16(1) of the United Kingdom Regulations for the words "the Secretary of State" there shall be substituted "the competent authority".

(c) At the end of Regulation 19 of the United Kingdom Regulations there shall be added the following paragraph:-

"(5) An inspector may obliterate the stamp on any intoxicating liquor measuring instrument which -

- (a) is in use for trade for a particular purpose for which, in the opinion of the inspector, it is unsuitable; or
- (b) is in use for trade in circumstances where the instrument is subjected to any extraordinary environmental or operating conditions which,

in the opinion of the inspector -

- (i) prevent the instrument from operating consistently and correctly, or
- (ii) are likely prematurely to degrade the metrological characteristics of the instrument."

Interpretation

3.(1) The Interpretation (Guernsey) Law, 1948(c) applies to the interpretation of these Regulations and the United Kingdom Regulations as if they were an enactment.

(2) In these Regulations and the United Kingdom Regulations -

"certificate of approval" means a certificate of approval of a pattern of measuring equipment issued by the competent authority;

"the Law" means the Weights and Measures (Guernsey and Alderney) Law, 1991;

"liquor" means intoxicating liquor;

"manager" means, where any measuring equipment is being tested at the premises on which it was manufactured, a person exercising managerial functions at those premises or his authorised representative and, where any measuring

equipment is being tested on licensed premises, the licensee, or, in his absence, his representative authorised for the time being to be in charge of the equipment;

"measuring equipment" means any measuring equipment, other than a capacity measure, including a measuring device, ancillary equipment associated with it and any other equipment physically or otherwise connected to it whether or not such equipment has been connected to ensure correct measurement or is intended to facilitate operation of the measuring device and ancillary equipment;

"nominal quantity" means the quantity of liquor which the measuring equipment is designed to deliver;

"notice of examination" means a notice of examination caused to be published by the competent authority giving particulars of a pattern in respect of which a certificate of approval has been granted;

"prescribed limits of error" has the meaning set out in Regulation 14 of the United Kingdom Regulations; and

"the stamp" means the prescribed stamp(d).

(d) S.I. 1991/46.

Citation

3. These Regulations may be cited as the Weights and Measures (Measuring Equipment) (Intoxicating Liquor) Regulations, 1991.

Commencement

4. These Regulations shall come into operation on 17th December, 1991.

Dated 16th December, 1991.



DAVID EVANS
President of the
Board of Employment, Industry and Commerce.

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations apply to all measuring equipment, other than capacity measures, for use for trade on premises where intoxicating liquor is sold by retail in the making of any measurement of intoxicating liquor in a quantity not exceeding 1 quart. Such measures are prescribed for the purposes of section 8(1) of the Weights and Measures (Guernsey and Alderney) Law, 1991 so that it is unlawful to use them for trade purposes unless they have been tested, passed as fit for such use and stamped by an inspector of weights and measures.

The powers granted to the Board of Employment, Industry and Commerce under section 61(3) of the Weights and Measures (Guernsey and Alderney) Law, 1991 to make provision by reference to United Kingdom legislation have been used to adopt parts of the United Kingdom Measuring Equipment (Intoxicating Liquor) Regulations 1983.

These Regulations therefore substantially follow the same requirements as those in the United Kingdom. They make provision by reference to the following parts of the United Kingdom Regulations -

Part II prescribes the principles of construction (Regulations 3 and 8), and the marking (Regulations 4 to 7) of intoxicating liquor measuring equipment.

Part III prescribes the method of testing by an inspector of weights and measures (Regulations 9 to 13).

Part IV prescribes the limits of error for intoxicating

liquor measuring equipment (Regulation 14), the manner of passing as fit for use for trade (Regulation 15), of stamping (Regulations 16 and 17) and obliteration of such stamps (Regulations 18 to 20).