

GUERNSEY STATUTORY INSTRUMENT
1991 No. 53

The Weights and Measures (Measuring Equipment) (Liquid Fuel
and Lubricants) 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 -

PART I

APPLICATION

1.(1) Subject to paragraph (2) below, Part II of these Regulations shall apply to all measuring equipment for use for trade in the making of any measurement of liquid fuel in a quantity not exceeding 20 gallons, if it is constructed to measure in imperial units, or 100 litres, if it is constructed to measure in metric units, other than equipment for use for trade in the making of any measurement of liquefied petroleum gas; and measuring equipment to which Part II of these Regulations applies is hereby prescribed for the purposes

(a) Ordre en Conseil No. XVII of 1991.

of section 8(1) of the Law.

(2) Nothing in Part II of these Regulations shall apply to any measuring equipment for use for the measurement by capacity of liquid fuel 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 to a constant nominal capacity, the quantities being kept separate.

2.(1) Subject to paragraph (2) below, Part III of these Regulations shall apply to all measuring equipment on road tankers for use for trade in the making of any measurement of liquid fuel in a quantity dispensed from the tanker exceeding 20 gallons, if the equipment is constructed to measure in imperial units, or 100 litres, if it is constructed to measure in metric units.

(2) Nothing in Part III of these Regulations shall apply to any of the following measuring equipment -

- (a) measuring equipment for use only for the delivery of liquefied gas, lubricating oils, or fuels with a kinematic viscosity exceeding $100 \text{ mm}^2/\text{s}$ at 15°C ; or
- (b) measuring equipment for use only for the fuelling of aircraft, ships or hovercraft.

(3) Measuring equipment to which Part III of these Regulations applies is hereby prescribed for the purposes of

section 8(1) of the Law.

PART II

MEASURING EQUIPMENT FOR LIQUID FUEL AND LUBRICANTS

3.(1) Subject to paragraphs (2) to (6) and Regulation 5 below, Regulations 3 to 25 of, and the Schedule to, the United Kingdom Measuring Equipment (Liquid Fuel and Lubricants) Regulations 1988(b) ("the Liquid Fuel Regulations") shall have effect in the Bailiwick as regulations under the Law for the purpose of prescribing for measuring equipment for liquid fuel and lubricants -

- (a) purposes of use for trade;
- (b) principles of construction and marking of measuring equipment;
- (c) manner of use for trade;
- (d) testing;
- (e) prescribed limits of error;
- (f) passing as fit for use for trade, stamping and obliteration of such stamps; and
- (g) lawful use for trade of equipment where stamps are destroyed, obliterated or defaced.

(2) In Regulation 4(2) of the Liquid Fuel Regulations -

- (a) the word "first" where it first appears shall be deleted; and
- (b) the words and figures from "before

(b) United Kingdom S.I. 1988/128.

1st January 1981" to "such date shall," shall be deleted and there shall be substituted the word "shall".

(3) In Regulation 14 of the Liquid Fuel Regulations for the words "the Act" there shall be substituted "the Law".

(4) At the end of Regulation 22 of the Liquid Fuel Regulations there shall be added the following paragraph -

"(4) An inspector may obliterate the stamp on any measuring equipment for liquid fuel and lubricants 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 equipment is subjected to any extraordinary environmental or operating conditions which, in the opinion of the inspector -

(i) prevent the equipment from operating consistently and correctly, or

(ii) are likely prematurely to degrade the metrological characteristics of the equipment."

(5) In Regulations 24(1) and 25(1) of the Liquid Fuel Regulations for the words and figures "11(2) of the Act" there shall be substituted "8(2) of the Law".

(6) In Regulations 24(1)(d) and 25(1)(d) of the Liquid Fuel Regulations for the words from "chief inspector" to "is situated" there shall be substituted "Committee".

PART III

MEASURING EQUIPMENT FOR LIQUID FUEL DELIVERED FROM ROAD TANKERS

4.(1) Subject to paragraphs (2) to (11) and Regulation 5 below, Regulations 5 and 6 and Parts II, III, IV and V of the United Kingdom Measuring Equipment (Liquid Fuel delivered from Road Tankers) Regulations 1983(c) ("the Road Tanker Regulations") shall have effect in the Bailiwick as regulations under the Law for the purpose of prescribing for measuring equipment for liquid fuel delivered from road tankers -

- (a) purposes for use for trade;
- (b) principles of construction and marking of measuring equipment;
- (c) manner of use for trade;
- (d) testing;
- (e) prescribed limits of error;
- (f) passing as fit for use for trade, stamping and obliteration of such stamps; and
- (g) lawful use for trade of meter measuring systems where stamps are destroyed, obliterated or defaced.

(2) In Regulation 19A of the Road Tanker Regulations for the words and figures "On and after 1st September 1988, every" there shall be substituted "Every".

(3) In Regulation 20 of the Road Tanker Regulations -

(c) United Kingdom S.I. 1983/1390; as amended by United Kingdom S.I. 1986/1210.

- (a) in paragraph (4) the proviso shall be deleted;
- (b) paragraph (6) shall be deleted; and
- (c) in paragraph (7) the proviso shall be deleted.

(4) In Regulation 28(i) of the Road Tanker Regulations the proviso shall be deleted.

(5) In Regulation 29(2) of the Road Tanker Regulations the proviso shall be deleted.

(6) In Regulations 39, 45 and 53 of the Road Tanker Regulations for the words "the Act" there shall be substituted "the Law".

(7) In Regulations 40 and 47 of the Road Tanker Regulations -

- (a) in paragraph (a) for the words "local standards" there shall be substituted "Bailiwick standards"; and
- (b) in paragraph (c) for the words "twelve months" there shall be substituted "twenty-seven months".

(8) In Regulation 52(1)(b) of the Road Tanker Regulations -

- (a) in paragraph (i) for the words "local standards" there shall be substituted "Bailiwick standards"; and
- (b) in paragraph (iii) for the words "twelve months" there shall be substituted "twenty-seven months".

(9) In Regulation 57 of the Road Tanker Regulations paragraph (c) shall be deleted.

(10) In Regulations 65(1) and 66(1) of the Road Tanker Regulations for the words and figures "11(2) of the Act" there shall be substituted "8(2) of the Law".

(11) In Regulations 65(1)(d) and 66(1)(d) of the Road Tanker Regulations for the words from "chief inspector" to "is situated" there shall be substituted "Committee".

PART IV

GENERAL

Interpretation

5.(1) The Interpretation (Guernsey) Law, 1948(e) applies to the interpretation of these Regulations, the Liquid Fuel Regulations and the Road Tanker Regulations as if they were an enactment.

(2) In these Regulations, the Liquid Fuel Regulations and the Road Tanker Regulations -

"certificate of approval" means a certificate of approval of a pattern of measuring equipment issued by the competent authority and includes any Community pattern of approval;

"committee" means the States of Guernsey Board of Employment, Industry and Commerce or such other Committee or like body of the States of Guernsey

(e) Ordres en Conseil Vol. XIII, p. 355.

as may by resolution of the States be appointed to administer this Law;

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

"minimum delivery" means the smallest quantity of liquid fuel which the measuring equipment is designed to measure; and

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

(3) In Regulation 1 and Part II of these Regulations and the Liquid Fuel Regulations -

"digital" means capable of assigning only certain discrete values or positions within a continuous range by a series of discontinuous steps;

"grade" in relation to any petrol means one of the following grades, that is to say, 2 star, 3 star or 4 star as mentioned in the British Standard Specification for leaded petrol (gasoline) for motor vehicles BS 4040:1985 published by the British Standards Institution on 31st May 1985(g) or, as the case may be, Premium or Regular as mentioned in the British Standard Specification for unleaded petrol (gasoline) for motor vehicles BS 7070:1985 published by the

(f) S.I. 1991/46.
(g) ISBN 0 580 14463 1.

British Standards Institution on 31st October
1985(h);

"liquid fuel" includes liquid fuel, lubricants and
any mixture of liquid fuel and lubricants;

"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;

"notice of examination" means a notice of
examination giving particulars of a pattern
caused to be published by the competent
authority;

"pattern" has the meaning set out in Regulation
4(1) of the Liquid Fuel Regulations; and

"prescribed limits of error" has the meaning set
out in Regulation 17 of the Liquid Fuel
Regulations.

(4) In Regulation 2 and Part III of these Regulations
and the Road Tanker Regulations -

(a) "approved" in the expressions "approved maximum",

(h) ISBN O 580 14714 2.

"approved minimum" and "approved working conditions" means approved in accordance with a pattern in respect of which a certificate of approval is in force or, if the measuring equipment is not made in accordance with such a pattern, approved in accordance with the manufacturer's recommendations;

"bottom loaded compartment" means a compartment which is designed for filling from the bottom and incorporates a dipstick measuring system or a contents gauging system whose calibration includes the volume of pipework between the foot valve and the outlet valve;

"calibration chart" in relation to any tank means a table of figures which relates the volume of liquid fuel, for each of the tank's compartments, to the linear distance between the surface of the liquid and the datum surface, and which has been -

- (i) prepared by inserting into, or withdrawing from, each compartment known volumes of liquid and determining the linear distance between the surface of the liquid and the datum surface when the road tanker is on a level surface; and
- (ii) certified as accurate by an inspector;

"compartment" means a single container with which a

dipstick forming part of a dipstick measuring system may be associated to measure quantities of liquid fuel or a container associated with a contents gauging system;

"compartment number" means, in the case of a multi-compartment tank, the position of the compartment relative to the front of the vehicle, numbered sequentially from the front of the vehicle;

"contents gauging system" means any measuring equipment, not being a dipstick measuring system or a meter measuring system, which determines the quantity of liquid fuel delivered from an associated compartment by measuring the height of the free surface of the liquid fuel from a reference point;

"datum face" means the flat surface of the crosspiece of a dipstick at right angles to the axis of the dipstick formed by the lower face of the crosspiece;

"datum point" means a point or area on the road tanker from which the relative height of the datum surface can readily be checked;

"datum surface" means the surface at the top of the dipstick guide tube, on which the datum face of the crosspiece rests when a measurement of liquid fuel is being made;

"dipstick measuring system" means any measuring equipment comprising a compartment with a datum surface and an associated dipstick with a datum face;

"frustrated delivery" means a planned delivery which cannot be completed because:-

- (i) there is not enough space in the customer's storage tank, or
- (ii) continuing the delivery would result in prohibited mixing of fuels or contamination, or
- (iii) a component of the measuring system breaks down;

"meter measuring system" means any measuring equipment which incorporates a mechanical flowmeter device to determine the quantity of liquid fuel delivered, and comprises all parts and devices from the source, including any anti-swirl device, from which the liquid is drawn to the point of discharge and all associated mechanical, optical, electrical or pneumatic equipment;

"prescribed limits of error" relating to a contents gauging system or a meter measuring system has the meaning set out in Regulation 56(1) of the Road Tanker Regulations and relating to a dipstick measuring system has the meaning set

out in Regulation 56(2) of those Regulations;
"reference meter" means a meter for use in testing
measuring equipment to which these Regulations
apply provided pursuant to section 3(1) of the
Law for use by inspectors;

"registration mark" in relation to a vehicle means
the registration mark assigned to it under the
Loi Relative Aux Automobiles, 1926 and the
Ordinances made thereunder(i);

"replacement dipstick" means a dipstick which is
tested, passed as fit for use for trade and
stamped to replace a dipstick which has been
broken, lost or destroyed or is otherwise
unserviceable;

"road tanker" means any vehicle or trailer which
carries liquid fuel in a tank forming part of
the vehicle or trailer other than that
containing the fuel which is used to propel the
vehicle, and also includes any tank with a
capacity exceeding 3 m³ carried on a vehicle;

"Secretary of State" means the Secretary of State
for the time being responsible for carrying out
the functions assigned by the Weights and
Measures Act, 1985(j) or any Community
obligation;

(i) Ordres en Conseil Vol. VIII, p.56.
(j) An Act of Parliament (1985 c.72).

"spare dipstick" means an additional dipstick which is tested, passed as fit for use for trade and stamped at the same time as an original or replacement dipstick;

"tank" means a single or multiple container comprising one or more compartments;

"tank number" means, in the case of a trailer part of a vehicle, the tank manufacturer's serial number and, in the case of a rigid vehicle, either the tank manufacturer's serial number or the vehicle registration mark;

"tank shell" means the skin forming the inner surface of the compartment; and

"top loaded compartment" means a compartment which is designed for filling from the top.

(b) the abbreviations of, and symbols for, units of measurement refer to the relevant units as follows:-

Cubic Metre	m ³
Millimetre	mm
Square centimetre	cm ²
Degree Celsius	°C
Second	s
Square millimetre	mm ²

Citation

6. These Regulations may be cited as the Weights and Measures (Measuring Equipment) (Liquid Fuel and Lubricants) Regulations, 1991.

Commencement

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

Dated 16th December, 1991.

A handwritten signature in cursive script, appearing to read "David Evans", written in dark ink. The signature is fluid and somewhat stylized, with a horizontal line underneath the name.

DAVID EVANS
President of the
States 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 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. Such equipment is 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 it for trade purposes unless it has been tested, passed as fit for such use and stamped by an inspector of weights and measures.

These Regulations also apply to all measuring equipment on road tankers (other than those used for the delivery of liquefied gas, lubricating or heated oil and for refuelling ships and aircraft) for use for trade in the making of any measurement of liquid fuel in a quantity exceeding 20 gallons or 100 litres. Such equipment is also 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 it for trade purposes unless it has 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 to the United Kingdom Measuring Equipment (Liquid Fuel

and Lubricants) Regulations, 1988 and the United Kingdom Measuring Equipment (Liquid Fuel delivered from Road Tankers) Regulations, 1983.

These Regulations therefore substantially follow the same requirements as those in the United Kingdom.

They make provision for -

- (a) purposes of use for trade;
- (b) principles of construction and marking of measuring equipment;
- (c) manner of use for trade;
- (d) testing;
- (e) prescribed limits of error;
- (f) passing as fit for use for trade, stamping, obliteration of such stamps; and
- (g) lawful use for trade of equipment where stamps are destroyed, obliterated or defaced.

Copies of the British Standard Specification referred to in the Regulations may be obtained from any of the sales outlets operated by the British Standards Institution (BSI) or by post from the BSI at Linford Wood, Milton Keynes, MK14 6LE England.