

Weights and Measures Report for the period 1 April 2017 to 31 March 2020

Laid before the Northern Ireland Assembly under Article 49 of the
Weights and Measures (Northern Ireland) Order 1981 by the
Department for the Economy

22 March 2022

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Introduction

1

Article 49 of the Weights and Measures (Northern Ireland) Order 1981¹, “the Order”, requires the Department for the Economy² (the Department), not less than once in every three years, to report generally about the operation of the Order and any proceedings thereunder. This seventeenth Report covers the period from 1 April 2017 to 31 March 2020.

The Order and regulations made under it seek to control transactions based on weight, measure or number. The Order also prescribes those weights and measures which may lawfully be used for trade. The provisions of the Order are enforced by Inspectors of weights and measures appointed by the Department under Article 40.

¹ S.I. 1981/231 (N.I.10)

² By S.I. 1982/846 (N.I. 11) Art 4; See also S.I. 1999/283 (N.I. 1) Art 3(5)

Accommodation and Specialist Facilities

2

The Department's Trading Standards Service (TSS), which is part of the Consumer Affairs Branch, has its headquarters at Newtownbreda, Belfast with local offices in Armagh, Ballymena, Enniskillen and Londonderry.

Article 3 of the Order requires the Department to provide Northern Ireland Local Standards. These, along with associated specialist equipment, are maintained within environmentally controlled laboratories at the headquarters. Testing apparatus for the calibration of oil tankers is also maintained at TSS headquarters.

Each office is provided with adequate working standards and a range of testing equipment to enable Inspectors to carry out their verification and inspection duties.

Traders' records, detailing the nature of the business and types of weighing and measuring equipment in use, are held on a computer system, which is accessible at TSS headquarters and at all the local offices.

Staffing

3

A Chief Inspector and one Deputy Chief Inspector are responsible for overseeing the performance of a wide range of functions and duties specified in the Order. Four teams of officers are based at TSS Headquarters, each headed by an Area Inspector, and specialising in:

- investigation of unfair trading practices;
- metrological enforcement; and
- business support, investigation of consumer complaints, and consumer and business advice (2 teams). A further three teams, each also headed by an Area Inspector, located at Armagh, Ballymena and Londonderry/Enniskillen, have responsibility for the full range of trading standards functions in their geographical areas.

A second Deputy Chief Inspector has responsibility for staff training and development.

As at 31 March 2020, 12 Inspectors, supported by 4 Technical Assistants, were employed as field officers. In addition to carrying out the functions under the Order, the Service is responsible for the enforcement of the legislation listed in Annex I. Two Enforcement Officers (who do not hold the Weights and Measures certificate of qualification) complement the Inspectorate in enforcing the additional (non-weights and measures) legislation.

The Inspectorate and enforcement staff are supported by a team of 11 officers in management/administration grades and 2 officers in a legislation unit.

There are a further 7 officers in administration grades involved in specialist consumer issues and the provision of a consumer advice service. The location of all staff employed in Consumer Affairs Branch is shown in Annex II.

Reference Standards

4

The accuracy of all Northern Ireland Local Standards of Weights and Measures is traceable to United Kingdom Primary Standards. The Northern Ireland Local Standards are housed at TSS Headquarters and kept under strict laboratory conditions and their values are re-determined in accordance with Article 3 of the Order.

The Northern Ireland Local Standards of Weights had their values re-determined in January 2019. The next re-determination is due in January 2024.

The Northern Ireland Local Standards of Measures had their values re-determined in April 2015. The next re-determination of their values will take place in April 2025.

These Local Standards are used to reference those weights and measures (known as working standards) being

used by Inspectors in their testing of weighing and measuring equipment in trade use.

Approval of Patterns of Trade Equipment

5

Under Article 10 of the Order, the Department has a duty to approve, as suitable for use for trade, patterns of weighing and measuring equipment submitted to it for such purpose. During the period of this Report, however, it was not required to exercise this function. Instead, certificates issued in Great Britain under Section 12 of the Weights and Measures Act 1985³, by the Secretary of State for the then Department for Business Enterprise and Regulatory Reform were deemed to have application in Northern Ireland through the periodic publication of notices in the Belfast Gazette, in accordance with Article 10(8) of the Order.

The Department is appointed as a Notified Body by the Department for Business, Energy and Industrial Strategy (BEIS) under Measuring Instruments Directive 2016 and Non-Automatic Weighing Instruments 2016. This enables the Department to issue Certificates of Conformity in relation to liquid fuel measuring instruments, bulk fuel measuring instruments and non-automatic weighing instruments.

³ 1985 c.72

Inspection and Testing of Trade Equipment

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As at 31 March 2020, there were approximately 11352 premises with equipment liable for inspection under the Order. Between 1 April 2017 and 31 March 2020, 240 visits were made, in the course of which 403 weighing and measuring instruments were tested for compliance with their approved pattern and for accuracy. All inspection and testing of traders' equipment in use for trade is carried out by Inspectors free of charge.

During 2018, the Trading Standards Service undertook projects in relation to: Optics Verification; Testing of Non-Automatic Weighing Instruments at Airports and Supermarkets; and testing of baggage sizers used by airlines. The detail of these are provided at Annex V.

Fees

7

Under Article 9(3) of the Order, a prescribed fee is payable where weighing or measuring equipment is submitted for testing as fit for use for trade, when new, or after having been repaired or altered.

Fees are also payable under Article 44 of the Order when an Inspector, on request, weighs or measures the quantity of any goods or carries out a test to determine the accuracy of any weighing or measuring equipment.

Further fee income is generated from the hiring of the Weighbridge Test Unit to specialist businesses involved with the repair and maintenance of road weighbridges.

Equipment is also tested under the “Measuring Equipment (EEC Requirements) Regulations 1988”⁴ and the “Non-automatic Weighing Instruments Regulations 2000”⁵. By virtue of section 56(1) of the Finance Act 1973⁶ fees are prescribed for this service.

The total amount of fees received in the reporting period was £176,457.

This represents a 36% decrease in fee income over the previous reporting period.

⁴ S.I. 1988/186, as amended by S.I. 1988/1128.

⁵ S.I. 2000/3236.

⁶ 1973 c.51.

Equipment for Weighing Heavy Goods Vehicles

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There are currently 465 road weighbridges in use, of which 24 are made available for public use.

Article 16 of the Order requires that the operator of a public weighbridge must hold a certificate of competence issued by the Chief Inspector of Weights and Measures for Northern Ireland. In the three years ended 31 March 2020, no new certificates were issued.

There are a further five weighbridges installed at ports to facilitate the compulsory weighing of goods vehicles (two at Larne harbour and three at Belfast ferry terminals) in accordance with the provisions of the Merchant Shipping (Weighing of

Goods Vehicles and other Cargo) Regulations 1988⁷. These weighbridges are provided to ensure the safe loading of passenger ferries carrying road freight. Inspectors of Weights and Measures are responsible for ensuring the accuracy of the weighing equipment used and the correct manner of its usage.

Certification tests continued to be carried out, throughout the period covered by this Report, on the 9 dynamic axle weighers. This allows the Department for Infrastructure and the Police Service of Northern Ireland to perform enforcement duties regarding overloaded vehicles.

⁷ S.I. 1988/1275.

Average Quantity System

9

Since 1980, packers and importers of packaged goods have been required to comply with regulations defining the manner in which packages are to be made up, the necessary quantity controls and the manner in which containers are to be quantity marked.

This system of quantity control – commonly known as the “Average System” – requires the actual contents of a group of packages to be not less, on average, than the nominal quantity marked on the package. In addition, the quantity contained in individual packages is also regulated to prevent serious deficiencies.

The results of checks made by the Inspectorate at packing stations and places of importation are contained in Annex III. The number of visits to such premises during the reporting period was 64. In addition to these, a further 48 visits were made at retail level to ensure pre-packed goods complied with the regulations with respect to both quantity and labelling.

Intelligence gathered from these retail visits assisted the Inspectorate in its targeted enforcement programme in this important area of consumer protection.

Monitoring of Transactions in Goods

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Although checks on packages are largely targeted at the production stage, a significant proportion of checking also takes place at retail premises (retail monitoring) during inspection visits.

Certain commodities, notably goods packed in variable (catchweight) quantities, continue to be subject to the “minimum quantity provisions” and are regularly monitored. The “minimum quantity provisions” require the actual quantity of the goods to be not less than the quantity marked on the container.

Calibration and other Testing

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The Service has retained its approval from the United Kingdom Accreditation Service for calibrating weights to high accuracy standards (“F1” level). This facility provides a service to industry and increasingly attracts a high volume of business. The demand for the calibration of weights is generated by businesses wishing to introduce or retain ISO 9000 type Quality Assurance (QA) systems. In total 2,343 weights were calibrated during the period, a decrease of 5.6% from the previous report. Of these weights, 20.8% were calibrated to the higher “F1” accuracy level, now increasingly being required by industry.

During the period of this Report, ad-hoc requests for the testing of other weighing and measuring equipment decreased from 193 to 117. These included fishing scales used for angling competitions, horse length measures used by vets, and vessels used by the dairy industry.

The demand for this service fluctuates and is not influenced by any identifiable factors.

Prosecutions

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During the period of the report the Department did not bring any prosecutions as stated in Annex IV, which is in line with the general trend in recent years to prosecute only as a last resort. The Trading Standards Service, therefore, fully implements the principles contained in the “Enforcement Concordat” which advocates proportionate enforcement, and places an emphasis on prevention of non-compliance.

The primary function of the Service is to protect consumers and legitimate businesses from serious non-compliance and rogue trading. The enforcement function is carried out in an equitable, practical and consistent manner, thereby helping to promote fair trading, healthy competition and a thriving economy.

The effectiveness of legislation in protecting consumers depends crucially on compliance by those regulated. The Trading Standards Service recognises that most businesses endeavour to comply with the law. It, therefore, aims to assist businesses in meeting their legal obligations without them incurring unnecessary expense. It will, however, prosecute, where appropriate, those who deliberately flout the law or cause serious consumer detriment.

Legislation

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Subordinate Legislation

The Weights and Measures (Food) (Amendment) Regulations (Northern Ireland) 2016⁸ made amendments to the Weights and Measures (Northern Ireland) Order 1981 and six pieces of subordinate legislation relating to weights and measures requirements for prepacked foods. These amendments were necessary to remove conflicts and overlaps with requirements in relation to net quantity marking affecting prepacked foods contained in EU Regulation No. 1169/2011 (concerning provision of food information to consumers).

⁸ [The Weights and Measures \(Food\) \(Amendment\) Regulations \(Northern Ireland\) 2016](#)

Engagement

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Advice to Business

In addition to inspections and re-verifications, over this period, the Trading Standards Service has advised local businesses, federations and consultants in relation to weights and measures legislation. Examples of this include advice regarding: home heating oil deliveries, packaged goods and the use of suitable equipment, as required by weights and measures legislation. The provision of such business advice provides clear information to Northern Ireland businesses, enabling them to understand the requirements of the weights and measures legislation they are required to adhere to.

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ANNEX I Legislation enforced by Trading Standards Service

In addition to the Weights and Measures (Northern Ireland) Order 1981, the Trading Standards Service has a duty to enforce a significant number of other pieces of consumer protection legislation. The most significant are listed below:-

THE CONSUMER PROTECTION FROM UNFAIR TRADING REGULATIONS 2008 (CPRS)

These regulations introduce a general prohibition on unfair commercial practices.

Unfair commercial practices are: -

- those that contravene the requirements of professional diligence;
- misleading actions;
- misleading omissions; or
- aggressive commercial practices.

The CPRs also prohibit 31 specific unfair commercial practices.

CONSUMER CREDIT ACT 2006

This Act provides for the control of consumer credit and hire purchase.

ESTATE AGENTS ACT 1979

This Act controls certain activities in connection with the disposal and acquisition of interests in land.

FAIR TRADING ACT 1973

This Act promotes fair trading and provides for controls on persistent offenders who contravene other trading laws.

HALLMARKING ACT 1973

This Act provides protection for purchasers of precious metals.

PRICES ACT 1974

This Act regulates the price display of goods.

TRADE DESCRIPTIONS ACT 1968

The CPRs have now replaced much of the Trade Descriptions Act; the Act still applies to false indication of country of origin.

TRADE MARKS ACT 1994

This Act controls the fraudulent application or use of a trade mark in relation to goods.

VIDEO RECORDINGS ACT 1984

This Act requires the age classification and labelling of videos.

UNSOLICITED GOODS AND SERVICES (NORTHERN IRELAND) ORDER 1976

This Order controls the supply of unsolicited goods and services and provides penalties for demanding payment for unsolicited goods and services.

UNSOLICITED SERVICES (TRADE AND BUSINESS DIRECTORIES) ACT (NORTHERN IRELAND) 2010

This Act controls the circumstances in which businesses can be charged for the publication of entries about them in directories.

ANNEX II Staffing of Consumer Affairs Branch, incorporating the Trading Standards Service

Head of Trading Standards Service (incorporating Chief Inspector of Weights and Measures) (1)
Deputy Chief Inspector (2)

Head of Branch Grade 7 (1)
Deputy Principal (DP) (1)

Enforcement Staff & Ancillary Grades	Armagh	Ballymena	Londonderry/Enniskillen	HQ Complaints	HQ	Metrology	Brexit	Consumerline Telephone Advice	General Support Staff, Policy and Legislation
DP	0	0	0	0	0	0	1	-	-
Area Inspector	0	1	1	1	0	1	-	1	-
Staff Officer	0	0	0	0	1	0	1	-	(4)
Inspector	4	1	1	3	0	3	-	-	Executive Officer I (2)
Enforcement Officer (EOI)	0	1	0	1	0	0	-	-	Executive Officer II (1)
Admin	0	0	0	0	0	0	0	6	Administrative Officer (1)
									Typist (1)
Technical Assistant	0	0	1	0	0	3	0	-	Administrative Assistant (2)
Total	4	3	3	5	1	7	2	7	11
Staff in post at 31 March 2020 - 48									

ANNEX III Examination and testing of packages under the Average System at Packers' and Importers' Premises

Number of premises with production lines	1062
Number of visits	64
Number of checks on packaged goods	68

**ANNEX IV Prosecutions under the Weights and Measures
(Northern Ireland) Order 1981**

No.	Trade/Business	Nature of Offences	Result	Court
	None			

ANNEX V Information on projects carried out by Trading Standards Service

Optics Verification Work

In April 2018 a service request came in from a new business regarding the verification of a new style of spirit measuring instrument (Optic).

Following discussions within the Trading Standards Service (TSS) it was clear that TSS had never carried out this type of work before. Therefore, research was undertaken to identify if TSS could complete the task, and if so, the level of work this would entail.

The trader had Section 12 approval under the Weights and Measures Act 1985 from the National Measurement Office (NMO), and required the assistance of TSS to test and stamp the optics as fit for use for trade before placing on the market. Research was carried out into how TSS would test and stamp the optics, and to determine the relevant legislation this would fall under.

TSS determined that the authority to test the optics came under Measuring Equipment (Intoxicating Liquor) Regulations (Northern Ireland) 1984 (as amended) and the authority to stamp the optics came under Article 9 of the Weights and Measures (Northern Ireland) Order 1981.

A sample of the optics were tested volumetrically to ensure they fell within the maximum permissible errors allowed. Following this, the optics were stamped with an appropriate stamp which included the year of verification, an Inspector number and the Crown symbol. As this was a start-up business with a brand new product it was of vital importance that TSS took the time to complete the research and to test and stamp the optics, in order for them to begin trading. In total, 2354 x 35ml optics and 523 x 25ml optics were passed as fit for use for trade and placed on the market.

Airport Project

In March and April 2018, the TSS Metrology team carried out a project at the three main airports in Northern Ireland. This project consisted of testing the accuracy of the Non-Automatic Weighing Instruments (NAWI) found at each check-in desk, these are used to determine the weight of passengers' suitcases. As airlines charged between £10 and £18 per kg for excess baggage, ensuring the accuracy of these weighing instruments was extremely important and beneficial to customers.

Each airport was visited by an Inspector of Weights and Measures and each check-in desk scale was inspected for compliance. For inspection purposes, each scale was tested throughout its range and subjected to further tests, as required under the Non-Automatic Weighing Instruments Regulations 2016 (also found in the NAWI Directive 2014/13/EU and OIML R76-1:2006).

A total of 66 scales were inspected across the three airports and results indicated an initial non-compliance rate of 12.12%. In one airport alone 30% of scales had accuracy issues across the full weighing range, with 25% of the scales placed 'out of use'. This meant the airport could not use these scales until the identified non-compliances were fixed. Each airport was given the chance to rectify the issues and following revisits all scales were found to be within the permitted tolerances and could be put back into use by the airports.

Non-Automatic Weighing Instruments National Market Surveillance Project

The Office for Product Safety and Standards (OPSS) proposed a project agreed by the Local Government Metrology Expert Panel that would focus on Non-Automatic Weighing Instruments (NAWIs) in supermarkets, and compliance with the Non-Automatic Weighing Instruments Regulations 2016 (NAWI Regulations 2016). The supermarkets would include both large branches and small convenience branches of national supermarkets. It was decided that TSS would run a project from September to December 2018 that would involve visiting supermarkets and inspecting all the weighing equipment throughout the stores, and the results would be included in the national project. The results showed that from a total of 192 scales inspected, across a total of 13 supermarkets, there was a non-compliance rate of 33.8% and a rejection rate of 6.2%. All results were reported back to OPSS and the Metrology Expert Panel.

TSS results indicated that the biggest non-compliance was the use of incorrect stickers and missing calibration seals. In total 53 compliance notices were issued, giving businesses 21 days to rectify the problems identified. Out of the 53 x 21 day notices issued, 43 of these were in relation to failing to comply with the legal requirements relating to markings and seals. In order for weighing equipment to be approved for legal use, the following stamps and stickers must be present:

- The Crown stamp, year of application and official number of the Inspector of weights and measures who passed the equipment as fit for trade use is found on a lead plug embedded into older, traditional weighing equipment.
- The M sticker indicating that the equipment it is attached to has been manufactured in accordance with legal metrology requirements.
- The notified body sticker indicating which organisation examined and approved the equipment as being in accordance with all manufacturing and accuracy requirements.
- When required, the requalification sticker indicating that the equipment has been repaired or adjusted since it was manufactured to maintain manufacturing and accuracy requirements.
- The CE mark, which indicates that the equipment has been manufactured in accordance with all relevant EU legislation (low voltage electromagnetic compatibility, restriction on hazardous substances, etc) and the year of manufacture.
- Information on the manufacturer, model number, serial number, approval certification number, accuracy class and details of weighing capacity.

Another area of non-compliance was in relation to scales weighing incorrectly at the higher end of the weighing range. 9 of the 53 x 21 day notices issued were related to this. This would indicate that scales are being tested at the range they are most likely to be used at, and not throughout the full range that they are capable of weighing at. This is contrary to the NAWI Regulations 2016.

A full summary of results for both small and large supermarkets can be found in the tables below:

Small Supermarkets

	No. of Scales
Fully compliant	25
21 day notice issued	13
Disqualified	1

Large Supermarkets

	No. of Scales
Fully compliant	102
21 day notice issued	40
Disqualified	11

Following several revisits to each supermarket, all non-compliance was rectified and it was clear that planned inspections and enforcement tools such as disqualification and the issuing of 21 day notices does ultimately lead to compliance.

Baggage Sizers Project

In 2018 TSS received a number of complaints claiming that the baggage sizers, used by a particular airline, were smaller than that airline's permitted size for cabin baggage, resulting in cabin bags not fitting into the sizer with passengers subsequently charged a fee to have their 'out-sized' cabin bag placed in the aircraft hold instead.

As a result of these complaints the TSS Metrology team undertook a project, ahead of the Easter and summer holidays, to ensure that baggage sizers were the size claimed by the airlines, and that consumers were not being misled, as it is an offence to mislead consumers under the Consumer Protection from Unfair Trading Regulations 2008.

The Metrology team measured the dimensions of 47 baggage sizers used by airlines at each of the three commercial airports in Northern Ireland. All of the baggage sizers tested were found to measure in excess of the maximum dimensions permitted by each airline for cabin baggage. However, it was noted that the majority of baggage sizers tested were found to measure only millimetres in excess.

Following the project TSS issued the following tips for consumers to follow when flying:-

- Make sure you know the airline's baggage allowance before you fly;
- Measure your cabin bag to ensure it is within the baggage allowance, including handles and wheels;
- Do not overfill your cabin bag as this could result in it not fitting in the sizer;

- If your bag measures even slightly bigger than the permitted measurements set by the airline, it is highly likely that it will not fit in the sizer and you may have to pay to place it in the hold;
- If you are not adhering to the terms and conditions of the airline's baggage policy, you must be prepared to pay a fee which can range from £25 to £65.