



Department of
**Enterprise, Trade
and Investment**

Department of Enterprise,
Trade and Investment

Weights and Measures Report for the period 1 April 2011 to 31 March 2014

Laid before the Northern Ireland Assembly under Article 49 of the
Weights and Measures (Northern Ireland) Order 1981 by the
Department of Enterprise, Trade and Investment

16 APRIL 2015

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Introduction

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Article 49 of the Weights and Measures (Northern Ireland) Order 1981¹, “the Order”, requires the Department of Enterprise, Trade and Investment² (the Department), not less than once in every three years, to report generally about the operation of the Order and any proceedings thereunder. This fifteenth Report covers the period from 1 April 2011 to 31 March 2014.

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.

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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

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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. Five teams of officers 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, 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 2014, 15 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. Nine 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.

In addition to 3 existing trainee Inspectors, a further 4 were recruited in 2013 to train for the weights and measures qualification.

The Inspectorate and enforcement staff are supported by a team of 12 officers in management/ administration grades and 3 officers in a legislation unit. In addition, 3 officers are engaged in the monitoring and evaluation of a debt advice service.

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 Standard of Weights had their values re-determined in November 2013. The next re-determination of values is due in November 2018.

The Northern Ireland Local Standards of Measure had their values re-determined in March 2005. The next re-determination of their values is due in March 2015.

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.

³ 1985 c.72
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Inspection and Testing of Trade Equipment

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As at 31 March 2014, there were approximately 11,320 premises with equipment liable for inspection under the Order. Between 1 April 2011 and 31 March 2014, 661 visits were made, in the course of which 1,181 weighing and measuring instruments were tested for compliance with their approved pattern and for accuracy. The reduction in items tested since the last reporting period is a reflection of the increase in goods being sold in a pre-packaged form. All inspection and testing of traders' equipment in use for trade is carried out by Inspectors free of charge.

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 £405,562.

This represents a 3.7% 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 501 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 2014, 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 10 dynamic axle weighers used by the Department of the Environment in the enforcement of road traffic legislation.

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 967. In addition to these, a further 895 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.

Checking of packages at retail level has increased significantly during the period of this Report as these checks are an important element of the Service’s “intelligence-led” enforcement strategy.

Calibration and other Testing

11

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 4,965 weights were calibrated during the period, an increase of 25% over the previous report. Thirty-five per cent of these weights were calibrated to the higher "F1" accuracy level, now increasingly being required by industry.

During the period of this Report, ad-hoc requests for testing of other weighing and measuring equipment decreased from 211 to 193.

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 brought one prosecution as detailed in Annex IV. Whilst this is one less than for the period 2008-2011, it, nevertheless, is more 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

Amendments to weights and measures requirements relating to intoxicating liquor and unwrapped bread were made through the introduction of the Weights and Measures (Specified Quantities) (Unwrapped Bread) Order (Northern Ireland) 2013. These amendments were deregulatory in nature and brought Northern Ireland into line with the similar changes introduced in GB.

Copies of the Order are available on line at

<http://www.legislation.gov.uk/nisr/2013/261/contents/made>

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ANNEX 1

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 1974

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.

TIMESHARE ACT 1992

This Act regulates the conduct of the sale of timeshare properties.

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 2010

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) 2011

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

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

Deputy Chief Inspector (2)

Head of Branch Grade 7 (1)
Deputy Principal (2)

Enforcement Staff & Ancillary Grades	Armagh	Ballymena	Londonderry/Enniskillen	HQ	Training	Metrology	Fair Trading Criminal and Publicity	Consumerline Telephone Advice	General Support Staff, Policy, Debt and Legislation
Area Inspector	1	1	1	1	-	1	1	1	Staff Officer (5)
Inspector	1	0	-	3	1	5	5	-	Executive Officer (3)
Enforcement Officer (EO1)	1	2	2	3	-	-	1	-	Executive Officer II (1)
Trainee Inspector	0	0	-	-	7	-	-	Administrative Officer (7)	Administrative Officer (2)
Technical Assistant	-	1	1	-	-	2	-	-	Administrative Assistant (2)
Staff in post at 31 March 2014 - 69									
Typist (2)									

ANNEX III Examination and Testing of Packages under the Average System at Packers' and Importers' Premises

Number of premises with production lines	993
Number of visits	967
Number of reference tests carried out	234

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

No.	Trade/Business	Nature of Offences	Result	Court
1.	Poultry	Inadequate (short weight) of chicken.	Fined £2250	Downpatrick

Department of
Enterprise, Trade
And Investment
www.detini.gov.uk

Trading Standards Service

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Consumer Affairs Branch
Department of Enterprise
Trade and Investment
175 Newtownbreda Road
Belfast BT8 6QS

E: consumeraffairs@detini.gov.uk
T: 028 9025 3900
F: 028 9025 3953
Textphone: 028 9052 9304
www.detini.gov.uk

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