

3.10 WEIGHING INSTRUMENTS USED FOR BUYING AND SELLING GOLD, OTHER PRECIOUS METALS, PRECIOUS STONES AND PEARLS

Members will be aware that there has recently been an upsurge in the number of people wishing to sell gold and jewellery and consequently, an upsurge in the number of jewellers and other organisations offering to buy. Many jewellers are now placing advertisements offering to buy gold based on weight. (For instance, this morning a number of jewellers in Birmingham had signs outside their shops offering to buy gold at £12.20 per gram.) To do this, they obviously need to be using Type Approved and Verified weighing instruments as this falls under both the definition of “use of trade” in the Weights and Measures Act 1985 and “Commercial Transaction” in the Non-Automatic Weighing Instruments (NAWI) Directive.

More and more jewellers are therefore looking to buy suitable weighing instruments. The following notes are therefore intended as a reminder to members of the special conditions which apply to non-automatic weighing instruments used for the jewellery trade.

Use of Class II instruments

Regulation 28 (30 of the Non-Automatic Weighing Instruments Regulations 2000 (S.I. 2000 No. 3236)) states:

A person shall not use for trade any instrument other than an instrument of accuracy classification Class I or Class II in any transaction

- (a) *to, or to articles made from gold, silver or other precious metals, including gold or silver thread of fringe;*
- (b) *to precious stones or pearls.*

Quite clearly, therefore, any jeweller seeking to buy a non-automatic weighing instrument must be advised that he must purchase a Class I or Class II instrument; a normal Class III retail scales is not suitable.

Use of auxiliary indication

The normal Class III retail weighing instrument the indicators that are displayed are unambiguous, e.g. a 15kg x 5g weighing instrument displays in intervals of 5g. This is known as the verification scale interval (*e*) and this is marked on the instrument in the format $e = 5g$. However, many Type Approved and Verified Class I and Class II instruments are equipped with auxiliary indicated devices; that is, they are verified to be accurate to one level, but for guidance purposes they indicate to a higher level. For example, a balance may be verified to 2kg x 0.1g, but will have an additional display that enables it to be read to 0.01g (often the extra digit is of a different colour or is distinguished in some way). This additional digit is known as the actual scale interval (*d*), as opposed to the verification scale interval. In such cases, the instrument will be marked with an additional marking showing that the verification scale interval *e* is equal to $10d$.

Whilst this auxiliary indication is a useful facility for many applications it is considered that an auxiliary indication would be confusing to the general public and consequently, auxiliary indications are not permitted on instruments used for selling jewellery in the presence of the customer. Schedule 2, Article 14 of the NAWI regulations states that on “instruments used for direct sales to the public... auxiliary indicating devices and extended indicating devices are not permitted”. A TSO/authorised officer would be acting within his powers if he rejected/disqualified any instrument with an auxiliary device being used for that purpose. The TSO could also reject or disqualify such instrument used for buying jewellery on the basis that it was unsuitable for its purpose, using his powers under regulation 27. If an instrument is used away from the customer, then this restriction does not apply.

Weighing below “Min”

Generally speaking, a NAWI may be used for weighing below its marked “Min” value provided that such use is occasional rather than normal. For example, a supermarket could use its 15kg x 5kg retail instrument with its marked “Min” value of 100g to weigh the occasional sale goods below 100g (often used when a customer wishes to purchase, say, 1 slice of ham at a deli counter), but if a TSO found that the supermarket was selling this quantity 50 times a day, every day, he could justifiably argue that the instrument was not suitable for the purpose for which it was being used and he could require it to be replaced with a more suitable instrument.

However, under Regular 28(2) of the regulations mentioned above, this concession of allowing occasional use of an instrument below its marked “Min” value is specifically prohibited when determining the weight of gold, silver, precious metals, precious stones, pearls, drugs and other pharmaceutical products.

Summary

When advising/supplying weighing instruments for use in the buying or selling of gold to and from the public, jewellers must be advised that:

1. the instrument must be Type Approved and Verified
2. the instrument must be Class I or Class II
3. the instrument for direct sales can not have any auxiliary indication
4. the instrument can not be used for weighing below its marked “Min” value.

