



Department of

**Enterprise, Trade
and Investment**

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Weights and Measures Report for the period 1 April 2002 to 31 March 2005

stimulating
innovation
infrastructure
enterprise and
skills

Department of Enterprise,
Trade and Investment

Weights and Measures Report for the period 1 April 2002 to 31 March 2005

Laid before the Houses of Parliament by the Department of Enterprise, Trade and Investment in accordance with Paragraph 12(2) and (4) of the Schedule to the Northern Ireland Act 2000 and Paragraph 16 of the Schedule to the Northern Ireland Act 2000 (Prescribed Documents) Order 2004

14 March 2007

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

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Article 49 of the Weights and Measures (Northern Ireland) Order 1981 requires the Department to report generally about the operation of the Order and any proceedings thereunder.

Introduction

1

Article 49 of the Weights and Measures (Northern Ireland) Order 1981¹, “the Order”, requires the Department of Enterprise, Trade and Investment², not less than once in every three years, to report generally about the operation of the Order and any proceedings thereunder. This thirteenth Report covers the period from 1 April 2002 to 31 March 2005.

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, 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 of measurement and these, along with associated specialist equipment, are maintained within controlled environmental laboratories at Headquarters. Testing apparatus for the calibration of petrol and oil tankers is also maintained at Headquarters.

During the period the testing area for the petrol and oil tankers was refurbished to ensure compliance with current health and safety standards.

A set of 25 x 1,000 kg and 2 x 500 kg cast iron block weights were purchased for the testing of weighbridges. In addition a 1,000 kg mass comparator for testing the block weights was

purchased together with suitable lifting equipment. 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 Headquarters and at all the local offices.

Staffing

3

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

- investigation of unfair trading practices,
- metrological enforcement, and
- two teams dealing with business support and investigation of consumer complaints

are based at Headquarters. The remaining 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.

As at 31 March 2005, 8 Inspectors, supported by 8 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. Fourteen 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.

Six trainee Inspectors were recruited to train for the weights and measures qualification and they are expected to achieve this by the end of 2005.

The Inspectorate and enforcement staff are supported by a team of 9 officers in administration grades and 3.5 officers in a legislation unit.

There are a further 11.5 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.

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 Headquarters and kept under strict laboratory conditions.

In October 2003 the Service replaced the Northern Ireland local standards of weights with weights of a higher class specification. At that time these weights had their values re-determined in accordance with Article 3 of the Order. The next re-determination of values is due in October 2008.

The Northern Ireland Local Standards of Measure had their values re-determined in March 2005. The next re-determination of their values will be 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 under Section 12 of the Weights and Measures Act 1985³, by the Secretary of State for the Department of Trade and Industry, 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

Inspection and Testing of Trade Equipment

6

As at 31 March 2005, there were approximately 11,000 premises liable to inspection under the Order. Between 1 April 2002 and 31 March 2005, 2,593 visits were made, in the course of which 13,232 weighing and measuring instruments were tested for compliance with the Approved Pattern and for accuracy. The number of visits and items of weighing or measuring equipment tested in each case fell by approximately 40% compared to the previous reporting period. The continuing fall in the number of visits made and items of equipment tested demonstrates the Service's increased emphasis on "intelligence-led" enforcement as opposed to routine inspection. 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.

The Weighbridge Test Unit is hired to specialist companies 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 £403,749.64.

This represents a 13% increase in fee income over the previous reporting period. This is mainly attributable to fee reviews in 2002 and 2003 to ensure that the full cost of providing the service is recovered.

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



There are currently 463 road weighbridges in use, of which 32 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 ending 31 March 2005, 12 new certificates were issued.

There are five weighbridges installed to facilitate the compulsory weighing of goods vehicles which exceed 7.5 tonnes - 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, Inspectors of Weights and Measures are responsible for ensuring the accuracy of the weighing equipment used and the correct manner of its usage.

Tests continued to be carried out, throughout the period covered by this report, on the 13 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



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.

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 decreased from 978 in the previous reporting period to 423. This reflects the continuing move away from routine inspection type duties towards a regime involving more targeted enforcement.

Monitoring of Transactions in Goods

10

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.

The number of checks carried out on packages under both the average and minimum system is shown in Annex IV.

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



The Service has retained 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 companies wishing to introduce or retain ISO 9000 type Quality Assurance (Q.A.) systems. In total 3,900 weights were calibrated during the period, an increase of 11% over the previous report. Thirty 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 voluntary requests for testing of other weighing and measuring equipment have decreased from 461 to 335. The demand for this service fluctuates and is not influenced by any identifiable factors.

Prosecutions

12

During the period of the Report the Department brought 2 prosecutions as detailed in Annex V. In keeping with previous reports the number of prosecutions has continued to decrease. The Trading Standards Service fully implements the principles contained in the “Enforcement Concordat” which advocates proportionate enforcement, and places an emphasis on prevention of non-compliance. It advocates prosecution only as a last resort.

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 Department’s 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.

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SUBORDINATE LEGISLATION

During the reporting period 9 statutory rules were made. Annex VI sets out the details of those rules.

Other Matters

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The Measuring Instruments Directive was adopted by the European Parliament and the Council of the European Union in March 2004. It covers a number of different types of measuring instrument including gas and electricity metres, petrol pumps and automatic weighing instruments.

The primary aim of this Directive is to create a single market in measuring instruments for the benefit of manufacturers and, ultimately, consumers across Europe.

Regulations implementing this Directive must be made by April 2006 and come into operation by October 2006.

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Weights and Measures (Northern Ireland) Order 1981

Fair Trading

Trade Descriptions Act 1968

Fair Trading Act 1973

Hallmarking Act 1973

Consumer Credit Act 1974

Prices Acts 1974 and 1975

Unsolicited Goods and Services (Northern Ireland) Order 1976

Estate Agents Act 1979

Energy Conservation Act 1981

Telecommunications Act 1984

Video Recordings Acts 1984 and 1993

Consumer Protection (Northern Ireland) Order 1987

Education (Unrecognised Degrees) (Northern Ireland) Order 1988

Property Misdescriptions Act 1991

Timeshare Act 1992

Trade Marks Act 1994

Enterprise Act 2002

European Communities Act 1972: Quality Standards

- (i) Crystal Glass (Descriptions) Regulations 1973
- (ii) Measuring Container Bottles (EEC Requirements) Regulations 1977
- (iii) Aerosol Dispensers (EEC Requirements) Regulations 1977
- (iv) Textile Products (Indications of Fibre Content) Regulations 1986
- (v) Units of Measurement Regulations 1986
- (vi) Consumer Protection (Cancellation of contracts concluded away from Business Premises) Regulations 1987
- (vii) Measuring Instruments (EEC Requirements) Regulations 1988
- (viii) Electro-Medical Equipment (EEC Requirements) Regulations 1988
- (ix) Electromagnetic Compatibility Regulations 1992

- (x) Telecommunications (Terminal Equipment) Regulations 1992
- (xi) Package Travel, Package Holidays and Package Tours Regulations 1992
- (xii) Boiler (Efficiency) Regulations 1993
- (xiii) Energy Information (Refrigerators and Freezers) Regulations 1994
- (xiv) Non-automatic Weighing Instruments (EEC Requirements) Regulations 1995
- (xv) Footwear (Indication of Composition) Labelling Regulations 1995
- (xvi) Energy Information (Washing Machines) Regulations 1996
- (xvii) Energy Information (Tumble Driers) Regulations 1996
- (xviii) Advanced Television Services Regulations 1996
- (xix) Energy Information (Combined Washer-driers) Regulations 1997
- (xx) Energy Efficiency (Refrigerators and Freezers) Regulations 1997
- (xxi) Packaging (Essential Requirements) Regulations 1998
- (xxii) Energy Information (Dishwashers) Regulations 1999
- (xxiii) Energy Information (Lamps) Regulations 1999
- (xxiv) Consumer Protection (Distance Selling) Regulations 2000
- (xxv) Passenger Car (Fuel Consumption and CO2 Emissions Information) Regulations 2001
- (xxvi) Energy Efficiency (Ballasts for Fluorescent Lighting) Regulations 2001
- (xxvii) Electronic Commerce (EC Directive) Regulations 2002
- (xxviii) Energy Information (Household Air Conditioners) Regulations 2003
- (xxix) Energy Information (Household Electric Ovens) Regulations 2003

Safety

Clean Air Act 1993

ANNEX 11

Staffing of Consumer Affairs Branch

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

Deputy Chief Inspector (2)

Grade 7 (TP)

Deputy Principal

ENFORCEMENT STAFF & ANCILLARY GRADES	ARMAGH	BALLYMENA	LONDONDERRY/ ENNISKILLEN	BUSINESS COMPLIANCE SOUTH	BUSINESS COMPLIANCE NORTH	METROLOGY	FAIR TRADING AND PUBLICITY	CONSUMERINE TELEPHONE ADVICE	GENERAL SUPPORT STAFF, POLICY AND LEGISLATION
Area Inspector	1	1	1	1	1	1	1	Staff Officer (1)	Staff Officer (5)
Inspector	1	-	-	2	1	3	1	-	Executive Officer 1 (2)
Enforcement Officer (EO1)	1	2	2	3	3	-	3	Executive Officer II (1)	Executive Officer II (1)
Trainee Inspector	-	-	-	5	1	-	-	Administrative Officer (5.5)	Administrative Officer (2)
Technical Assistant	1	1	2	-	-	4	-	-	Administrative Assistant (3)
Staff in post at 31 March 2005 – 70									
Typist (1.5)									

ANNEX 111

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

Number of premises with production lines	521
Number of visits	423
Number of reference tests carried out	615
Number of reference tests failed	60 (9.75%)

ANNEX IV

Examination and Checking of Commodities under the Average and Minimum System on Retail Premises

SYSTEM	NUMBER OF CHECKS	
AVERAGE	CORRECT	INCORRECT
	1164	175 (13%)
Minimum		
Non Foods	32	0
Foods	772	163 (17%)
Solid Fuel*	5	0

* The decrease in checks on solid fuel is due to changes in the market place – ie households converting to mains gas from solid fuel.

ANNEX V

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

NO.	TRADE/BUSINESS	NATURE OF OFFENCES	RESULT	COURT
1.	Home bakery	Inadequate (short-weight) packs of shortbread	Fined £720	Craigavon
2.	Offal collector	Unjust weighing machine	Fined £600	Downpatrick

ANNEX VI

SUBORDINATE LEGISLATION MADE UNDER THE WEIGHTS AND MEASURES (NORTHERN IRELAND) ORDER 1981

(Copies may be purchased from the Stationery Office Bookshop, 16 Arthur Street, Belfast BT1 4GD)

1. Weights and Measures (Passing as Fit for Use for Trade and Adjustment Fees) Regulations (Northern Ireland) 2002 (S.R. 2002 No. 308)

Made	3rd October 2002
Came into Operation	4th November 2002

These Regulations prescribe the fees to be paid in having certain weighing or measuring equipment passed as fit for use for trade by inspectors of weights and measures and for the adjustment by them of weights and measures. The new prescribed fees implement the first of a Ministerial agreed three stage process to increase the fees to reflect the increased cost of providing the verification services of weighing and measuring equipment for commercial purposes.

The Regulations additionally make provision for the rationalisation and simplification of the structure of fees previously prescribed under the Weights and Measures (Testing and Adjustment Fees) Regulations (Northern Ireland) 1992 (S.R. 1992 No. 483) ("the 1992 Regulations").

The 1992 regulations are revoked except in relation to any test carried out or adjustment service provided before 4th November 2002.

2. Measuring Equipment (Liquid Fuel and Lubricants) (Amendment) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 422)

Made	25th September 2002
Came into Operation	31st October 2002

These Regulations amend the Measuring Equipment (Liquid Fuel and Lubricants) (Northern Ireland) Regulations 1998.

The Regulations prescribe the tests which an inspector of weights and measures shall apply to measuring equipment with a view to passing it as fit for use for trade and stamping it.

The Regulations also make a number of other minor amendments.

3. Weights and Measures (Passing as Fit for Use for Trade and Adjustment Fees) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 492)

Made 28th November 2003
Came into Operation 29th December 2003

These Regulations prescribe the fees to be paid in having certain weighing or measuring equipment passed as fit for use for trade by inspectors of weights and measures and for the adjustment by them of weights and measures. They implement the second of a Ministerial agreed three stage process to increase the fees to reflect the increased cost of providing the verification services of weighing and measuring equipment for commercial purposes.

The Weights and Measures (Passing as Fit for Use for Trade and Adjustment Fees) Regulations (Northern Ireland) 2002 are revoked except in relation to any test carried out or adjustment service provided before 29 December 2003.

4. Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004 No. 189)

Made 23rd April 2004
Came into Operation 24th May 2004

In further amending the Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) Regulations (Northern Ireland) 1986, these technical Regulations will have the effect of:

- (a) clarifying the circumstances in which certain filling machines may be dismantled and transported following testing; and
- (b) allowing certain filling machines to be imported from another State of the European Economic Area (EEA) without further testing in Northern Ireland, provided the appropriate documentation is presented to an inspector of weights and measures of the Department.

5. Weights and Measures (Intoxicating Liquor) (Amendment) Order (Northern Ireland) 2004 (S.R. 2004 No. 370)

Made 27th August 2004
Came into Operation 30th September 2004

The Order, in amending Schedule 1 to the Weights and Measures (Northern Ireland) Order 1981 (“the 1981 Order”), replicates similar provisions as exist in GB and allow 70 ml capacity measures to be used for trade in Northern Ireland for transactions in intoxicating liquor. As well as replicating the GB measures, the amendment is also a consequence of an earlier amendment, which was made to the 1981 Order and to the Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1989 by the Weights and Measures (Intoxicating Liquor) (Amendment) Order (Northern Ireland) 1994.

6. Measuring Equipment (Capacity Measures) (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004 No. 371)

Made 27th August 2004
Came into Operation 1st October 2004

These Regulations amend the Measuring Equipment (Capacity Measures) Regulations (Northern Ireland) 1998 so as to prescribe, and provide limits of error for, certain thimble measures of 70 millilitres for serving spirits.

7. The Weights and Measures (Standards Amendment) Regulations (Northern Ireland) 2005 (S.R. 2005 No. 26)

Made 7th February 2005
Came into Operation 1st March 2005

The Regulations amend references in weights and measures Regulations to the standard EN 45001 to replace them with references to a new standard, BS EN ISO/IEC 17025:2000.

These Regulations implement revised standards that set the minimum requirements for the competence of accredited testing and calibration laboratories (in other European Economic Area (EEA) Member States) that may carry out testing of certain weighing and measuring equipment imported into Northern Ireland.

8. The Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations (Northern Ireland) 2005 (S.R. 2005 No. 27)

Made 7th February 2005
Came into Operation 1st March 2005

These Regulations implement, in Northern Ireland, International Recommendation OIML R 61 relating to automatic gravimetric filling instruments, to the extent that the Recommendation applies to such instruments following the grant or renewal of a certificate of approval of a pattern by the Department under Article 10 of the Weights and Measures (Northern Ireland) Order 1981.

9. Weights and Measures (Passing as Fit for Use for Trade and Adjustment Fees) Regulations (Northern Ireland) 2005 (S.R. 2005 No. 118)

Made 16th March 2005
Came into Operation 18th April 2005

These Regulations prescribe the fees to be paid in having certain weighing or measuring equipment passed as fit for use for trade by inspectors of weights and measures and for the adjustment by them of weights and measures. They implement the final stage of a Ministerial agreed three stage process to increase fees in order to reflect the full cost of providing verification services of weighing and measuring equipment for commercial purposes.

The Weights and Measures (Passing as Fit for Use for Trade and Adjustment Fees) Regulations (Northern Ireland) 2003 are revoked except in relation to any test carried out or adjustment service provided before 18 April 2005.

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