STATUTORY INSTRUMENTS

1979 No. 847

WEIGHTS AND MEASURES

The Measuring Instruments (EEC Requirements) (Amendment No. 2) Regulations 1979

Made - - - -	17*th July* 1979
Laid before Parliament	25*th July* 1979
Coming into Operation	20*th August* 1979

The Secretary of State, being a Minister designated **(a)** for the purposes of section 2(2) of the European Communities Act 1972**(b)** in relation to the regulation of specifications, construction, placing on the market and use of equipment intended for weighing, measuring or testing or for purposes ancillary thereto, in exercise of the powers conferred by that section, hereby makes the following Regulations:

1.—(1) These Regulations may be cited as the Measuring Instruments (EEC Requirements) (Amendment No. 2) Regulations 1979 and shall come into operation on 20th August 1979.

(2) In these Regulations "the principal Regulations" means the Measuring Instruments (EEC Requirements) Regulations 1975**(c)**.

2. The principal Regulations shall apply in relation to systems to which Council Directive No. 77/313/EEC**(d)** on measuring systems for liquids other than water applies as they apply to instruments of a category mentioned in Regulation 3 of the principal Regulations.

3. The principal Regulations shall have effect subject to the following amendments:—

(*a*) in Regulation 3—

(i) after the word "instruments" where it first and secondly appears there shall be inserted the words "or systems"; and

(ii) at the end there shall be added the following—

"(*i*) systems, and components of such systems, of a category to which the Directive on measuring systems for liquids other than water applies;";

(a) S.I. 1975/427. **(b)** 1972 c. 68.
(c) S.I. 1975/1173 as amended by S.I. 1977/27, S.I. 1978/25 and S.I. 1979/80.
(d) O.J. No. L105, 28.4.1977, p. 18.

(*b*) in Regulation 4(1) for the definition of "the Directive on material measures of length" there shall be substituted the following:—

""the Directive on material measures of length" means Council Directive No. 73/362/EEC(**a**), as amended by Council Directive No. 78/629/EEC(**b**);";

(*c*) in Regulation 4(1) there shall be inserted after the definition of "the Directive on cold-water meters" the following definition:—

""the Directive on measuring systems for liquids other than water" means Council Directive No. 77/313/EEC;";

(*d*) in Regulation 4(1) after the definition of "manufacturer" there shall be added the following definition:—

""nominated local weights and measures authority" means a local weights and measures authority nominated by the Secretary of State for the purposes of Regulations 13(9), 20(8) and 21(5) of these Regulations;";

(*e*) in Regulation 4 there shall be inserted after paragraph (1) the following paragraph:—

"(1A) These Regulations have effect, so far as necessary for the purpose of their application to systems to which the Directive on measuring systems for liquids other than water applies, as if any reference to an instrument or to a category of instrument included a reference to any such systems or components of such systems.";

(*f*) in Regulation 4(2)(*a*) for "or (*h*)" there shall be substituted "(*h*) or (*i*)";

(*g*) to the Table in Regulation 6(2) (which indicates whether a Directive provides for pattern approval or initial verification or both) there shall be added at the end the following entry:—

"The Directive on measuring systems for liquids other than water.	Yes for those systems specified in item 3.1.1. of the Annex to the Directive	Yes";

(*h*) in Regulation 13(1) for the words in the brackets there shall be substituted the following:—

"other than an instrument to which paragraph (9) below applies";

(*i*) for Regulation 13(9) there shall be substituted the following:—

"(9) In the case of—

(i) meters for pressurised liquefied gas to which the Directive on meters for liquids other than water applies;

(ii) an instrument of a category to which the Directive on the measuring of the standard mass per storage volume of grain applies;

(iii) a measure of length in class I within the meaning of the Directive on material measures of length;

(iv) a weight of a category to which the Directive on above-medium accuracy weights applies;

(v) a pressurised liquefied gas measuring system of a category to which the Directive on measuring systems for liquids other than water applies;

(**a**) O.J. No. L335, 5.12.1973, p. 56. (**b**) O.J. No. L206, 29.7.78, p. 8.

the application for EEC initial verification shall be made to the Secretary of State or to an inspector of a nominated local weights and measures authority, and the preceding provisions of this Regulation and the provisions of Schedule 3 shall have effect as if references to an inspector and to the local weights and measures authority included references to the Secretary of State.";

(*j*) for Regulation 20(8) there shall be substituted the following:—

"(8) In the case of an instrument to which Regulation 13(9) above applies the preceding provisions of this Regulation (other than paragraph (5)) shall have effect as if references to an inspector were references to the Secretary of State or to an inspector of a nominated local weights and measures authority.";

(*k*) for Regulation 21(5) there shall be substituted the following:—

"(5) In the case of an instrument to which Regulation 13(9) above applies this Regulation shall have effect as if the references in paragraph (1)(*a*) above to an inspector were references to the Secretary of State or to an inspector of a nominated local weights and measures authority.";

(*l*) for Regulation 22(7) there shall be substituted the following:—

"(7) In this Regulation "credentials" means authority in writing from a local weights and measures authority for the exercise by an inspector of the powers conferred by this Regulation.";

(*m*) to the Table in Schedule 4 (which lays down relevant limits of error for instruments in service) there shall be added at the end the following entry:—

"The Directive on measuring systems for liquids other than water.	The maximum permissible errors in deficiency for a system in service shall be the amounts determined in accordance with items 1, 2 and 3 of Chapter II of the Annex to the Directive on meters for liquids other than water and applicable both in excess and deficiency on initial verification, and the maximum permissible errors in excess for a system in service shall be twice those amounts.";

(*n*) for Schedule 5 (adaptations for Northern Ireland) there shall be substituted the provisions set out in the Schedule to these Regulations.

Sally Oppenheim,
Minister of State,
Department of Trade.

17th July 1979.

(See Regulation 3(n))

SCHEDULE

(To be substituted for Schedule 5 to the principal Regulations)

ADAPTATIONS FOR NORTHERN IRELAND

1. In Regulation 4 the definitions of "local weights and measures authority" and "nominated local weights and measures authority" shall be omitted.

2. In Regulation 13 for paragraphs (1) and (9) there shall be substituted respectively the following:—

"(1) An application for consideration of any instrument (other than an instrument to which paragraph (9) below applies) for EEC initial verification shall be made to an inspector in such manner as the Department of Commerce for Northern Ireland may direct.";

and

"(9) In the case of—

(i) meters for pressurised liquefied gas to which the Directive on meters for liquids other than water applies;

(ii) an instrument of a category to which the Directive on the measuring of the standard mass per storage volume of grain applies;

(iii) a measure of length in class 1 within the meaning of the Directive on material measures of length;

(iv) a weight of a category to which the Directive on above-medium accuracy weights applies;

(v) a pressurised liquefied gas measuring system of a category to which the Directive on measuring systems for liquids other than water applies;

the application for EEC initial verification shall be made to the Secretary of State or, if the Department of Commerce for Northern Ireland is nominated by the Secretary of State to carry out such verification of all or any of the instruments specified above, then to an inspector.

Until the Department of Commerce for Northern Ireland shall be so nominated the preceding provisions of this Regulation and the provisions of Schedule 3 shall have effect as if reference to an inspector included reference to the Secretary of State.".

3. In Regulation 20—

(*a*) in paragraph (7) the reference to the Secretary of State shall be a reference to the Department of Commerce for Northern Ireland; and

(*b*) for paragraph (8) then shall be substituted the following:—

"(8) In the case of an instrument to which Regulation 13(9) above applies the preceding provisions of this Regulation (other than paragraph (5)) shall have effect as if references to an inspector were references to the Secretary of State or to an inspector when the Department of Commerce for Northern Ireland is nominated by the Secretary of State for the purposes of Regulation 13(9) above.".

4. For Regulation 21(5) there shall be substituted the following:—

"(5) In the case of an instrument to which Regulation 13(9) above applies this Regulation shall have effect as if the reference in paragraph (1)(*a*) above to an inspector or person acting under his authority were a reference to the Secretary of State or to an inspector when the Department of Commerce for Northern Ireland is nominated by the Secretary of State for the purposes of Regulation 13(9) above.".

5. In Regulation 22—

(*a*) in paragraph (1) and (2) the words "within the area for which he was appointed inspector" shall be omitted;

(*b*) in paragraph (3) for the word "information" there shall be substituted the word "complaint";

(*c*) for paragraph (7) there shall be substituted the following:—

"(7) In this Regulation "credentials", in relation to an inspector, means some duly authenticated document showing that he is authorised to act as an inspector.".

6. For Regulation 25 there shall be substituted the following:—

"25. No proceedings for an offence under these Regulations may be instituted except by the Department of Commerce for Northern Ireland or the Director of Public Prosecutions for Northern Ireland.".

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations apply the Measuring Instruments (EEC Requirements) Regulations 1975 ("the principal Regulations") to measuring systems for liquids other than water and components of such systems, to which Council Directive No. 77/313/EEC (O.J. No. L105, 28.4.1977, p. 8) applies (Regulation 3(*a*), (*c*), (*e*), (*g*) and (*m*)). The Regulations also make the following changes in the principal Regulations: they—

(*a*) include in the definition of the Directive on material measures of length the amending Directive, Council Directive No. 78/629/EEC (O.J. No. L206, 29.7.78, p. 8) (Regulation 3(*b*));

(*b*) require applications for initial verification to be made to, and obliteration of stamps to be done by, the Secretary of State or inspectors of nominated local weights and measures authorities only in the case of—

(i) meters for pressurised liquefied gas;

(ii) instruments for measuring the standard mass per storage volume of grain;

(iii) class I material measures of length;

(iv) above-medium accuracy weights;

(v) pressurised liquefied gas measuring systems;

and in those cases, omit the references to the payment of fees in the cases of initial verification and obliteration of stamps done by the Secretary of State (Regulation 3(*i*) and (*j*));

(*c*) alter the definition of "credentials" in relation to an inspector (Regulation 3(*l*));

(*d*) make appropriate amendments, for the adaptation of the principal Regulations, as amended, to Northern Ireland (Regulation 3(*n*) and the Schedule).

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