STATUTORY INSTRUMENTS

1984 No. 1618

WEIGHTS AND MEASURES

The Measuring Instruments (EEC Requirements) (Amendment) Regulations 1984

Made - - - -	*16th October* 1984
Laid before Parliament	*24th October* 1984
Coming into Operation	*15th November* 1984

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. These Regulations may be cited as the Measuring Instruments (EEC Requirements) (Amendment) Regulations 1984 and shall come into operation on 15th November 1984.

2. The Measuring Instruments (EEC Requirements) Regulations 1980(**c**) shall be amended in accordance with the following provisions of these Regulations.

3. In Regulation 2(1)—

(a) the definition of "the Act of 1967" shall be deleted; and

(b) there shall be inserted at the appropriate place in alphabetical order the following definitions:—

""ballast" means any of the materials to which the expression "ballast" applies in Schedule 5 to the Act of 1963;";

""chief inspector" means a chief inspector of weights and measures appointed or deemed to have been appointed under section 41 of the Act of 1963;";

""meter measuring system" means a meter measuring system to which the Measuring Equipment (Liquid Fuel delivered from Road Tankers)

(**a**) S.I. 1975/427.
(**b**) 1972 c.68.
(**c**) S.I. 1980/1058; relevant amending instruments are S.I. 1981/1727, 1983/530 and 1981/231 (N.I. 10) and *see* S.I. 1982/846 (N.I. 11).

Regulations 1983(a) apply being a measuring system to which the requirements of item 2.2 of the Annex to the Directive on measuring systems for liquids other than water apply;" and

""road tanker" has the same meaning as it has in the Measuring Equipment (Liquid Fuel delivered from Road Tankers) Regulations 1983;".

4. After Regulation 4, there shall be added the following Regulation:—

"*Purpose of use for trade*

4A. No person shall use for trade for the purpose of weighing any material other than ballast a beltweigher in accuracy Class 2 within the meaning of the Directive on continuous totalising weighing machines which bears the mark of EEC initial verification.".

5. In Regulation 7(5)—

(a) the words "8 or" shall be deleted; and

(b) at the end there shall be added—

"Provided that its validity shall not be extended after the date of the entry into force of any amendment to the relevant Directive where it could not have been granted on the basis of that amendment.".

6. Regulation 8 shall be deleted.

7. In Regulation 9, for paragraph (2) there shall be substituted the following paragraph:—

"(2) EEC pattern approval granted by virtue of this Regulation may be subject to any one or more of the following conditions—

(a) a condition limiting the number of instruments which may be submitted for initial verification by reference to the pattern in question;

(b) a condition requiring written notice of the place of installation to be given to the competent authorities of member States in which instruments of the pattern in question are to be installed;

(c) a condition limiting the use of instruments of the pattern in question;

(d) a special condition with respect to the techniques used.".

8. In Regulation 10, the words "8(2) or" shall be deleted.

9. In Regulation 11(2)—

(a) after sub-paragraph *(c)*, there shall be inserted the following sub-paragraph:—

(a) S.I. 1983/1390.

"*(cc)* if the Secretary of State is satisfied that it was improperly procured;"; and

(b) in sub-paragraph *(d)*, the words "8(2) or" shall be deleted.

10. In Regulation 13, in paragraph (2)*(b)* at the end there shall be added the words "and to the requirements of the relevant Directive".

11. In Regulation 15—

(a) for the words "either or both" there shall be substituted the words "one or more";

(b) after paragraph *(b)* there shall be inserted the following paragraph—

"*(c)* a special condition with respect to the techniques used;"; and

(c) in sub-paragraph (i) after the words "paragraph *(b)*" there shall be added the words "or *(c)*".

12. After Regulation 20 there shall be inserted the following Regulations:—

"20A. For the purposes of these Regulations, the obliteration of any one EEC mark on any meter measuring system shall be deemed to be the obliteration of all other EEC marks on that system, except where the mark has been lawfully obliterated under Regulation 20B or 20C below.

Lawful use for trade of meter measuring systems where marks of EEC initial verification destroyed, obliterated or defaced

20B.— (1) It shall be lawful to destroy, obliterate or deface a mark of EEC initial verification on a meter measuring system, and it shall not be a contravention of section 11(2) of the Act of 1963 to use such equipment for trade during the relevant period by reason only that such a mark on it has been lawfully destroyed, obliterated or defaced (such destruction, obliteration or defacement being in this Regulation referred to as "the occurrence") if—

(a) the person responsible for the occurrence is, or is the duly authorised agent of, the proprietor of the equipment or a person who is the manufacturer, or is regularly engaged in the repair, of equipment for measuring liquid fuel;

(b) the occurrence was confined to the mark protecting the joint between the gas separator and its vent pipe;

(c) the occurrence was only to permit the installation of a meter and gas separator bearing undefaced marks, such meter and gas separator having previously had affixed to them the mark of EEC initial verification either as part of that meter measuring system or another of exactly the same pattern delivering the same liquid fuel; and

(d) notification in writing complying with paragraph (2) below of the occurrence has been given by the proprietor of the equipment or his duly authorised agent before the occurrence to the chief inspector for the area in which the equipment is situated.

(2) The notification referred to in paragraph (1) above shall contain the following information:—

(a) the location of, and particulars by which, the road tanker may be identified;

(b) the place where the tanker may be inspected;

(c) the intended date of the occurrence;

(d) the business name and address of the proprietor or other person referred to in paragraph (1)*(a)* above; and

(e) the name and address of the person giving the notification.

(3) In paragraph (1) above "relevant period" means a period of 7 days beginning with the day on which the notification referred to in that paragraph is given in accordance with that paragraph.

20C.— (1) It shall be lawful to destroy, obliterate or deface a mark of EEC initial verification on a meter measuring system, and it shall not be a contravention of section 11(2) of the Act of 1963 to use such equipment for trade during the relevant period by reason only that such a mark on it has been lawfully destroyed, obliterated or defaced (such destruction, obliteration or defacement being in this Regulation referred to as "the occurrence") if—

(a) the person responsible for the occurrence is, or is the duly authorised agent of, the proprietor of the equipment or a person who is the manufacturer, or is regularly engaged in the repair, of equipment for measuring liquid fuel;

(b) the occurrence was confined to the mark protecting a part of the meter measuring system other than the joint in the vent pipe from the gas separator;

(c) after the occurrence access cannot be gained to the calibration mechanism of the meter; and

(d) notification in writing complying with paragraph (2) below of the occurrence has been given by the proprietor of the equipment or his duly authorised agent before the occurrence to the chief inspector for the area in which the equipment is situated.

(2) The notification referred to in paragraph (1) above shall contain the following information:—

(a) the location of, and particulars by which, the road tanker may be identified;

(b) the place where the tanker may be inspected;

(c) the intended date of the occurrence;

(d) the business name and address of the proprietor or other person referred to in paragraph (1)*(a)* above; and

(e) the name and address of the person giving the notification.

(3) In paragraph (1) above "relevant period" means a period of 28 days beginning with the day on which the notification referred to in that paragraph is given in accordance with that paragraph.".

13. In Schedule 3—

(a) in paragraph 1*(d)*, the words "the correct positioning of" shall be deleted; and

(b) in paragraph 2(3)*(a)*, at the end there shall be inserted the words "and to the requirements of the relevant Directive".

14. In Schedule 5—

(a) in paragraph 1—

(i) in sub-paragraph *(a)*, for the words "section 27 of the Act of 1967", there shall be substituted the words "Article 40 of the Weights and Measures (Northern Ireland) Order 1981;"(**a**);

(ii) after sub-paragraph *(a)* there shall be inserted the following sub-paragraph—

"*(aa)* for the definitions of "ballast" and "chief inspector" there shall be substituted respectively—

""ballast" means any of the materials to which the expression "ballast" applies in Schedule 4 to the said Order of 1981;";

"chief inspector" means a chief inspector of weights and measures appointed under Article 40 of the said Order of 1981;";

(iii) after sub-paragraph *(b)* there shall be inserted the following sub-paragraph—

"*(bb)* in the definitions of "meter measuring system" and "road tanker", for the words "Measuring Equipment (Liquid Fuel delivered from Road Tankers) Regulations 1983", there shall be substituted the words "Measuring Equipment (Liquid Fuel by Road Tanker) Regulations (Northern Ireland) 1984" "(**b**); and

(iv) in sub-paragraph *(d)*—

(aa) for the words "section 3 of the Act of 1967", there shall be substituted the words "Article 5 of the said Order of 1981";

(bb) for the words "that Act", there shall be substituted the words "that Order";

(cc) for the words "subsection 2*(a)* of the said section 3", there shall be substituted the words "paragraph (2)*(a)* of the said Article 5";

(**a**) S.I. 1981/231 (N.I. 10).
(**b**) S.R. (N.I.) 1984 No. 117.

(b) after paragraph 4 there shall be added—

"4A. In Regulations 20B and 20C for the words "section 11(2) of the Act of 1963" there shall be substituted the words "Article 9(2) of the Weights and Measures (Northern Ireland) Order 1981"".

Lucas of Chilworth,
Parliamentary Under-Secretary of State,
Department of Trade and Industry.

16th October 1984.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Measuring Instruments (EEC Requirements) Regulations 1980 and give effect to Council Directive 71/316/EEC as amended by Council Directive 83/575/EEC (O.J. No. L332, 28.11.83, p. 43).

The 1983 Directive amends the 1971 Directive (as amended) relating to measuring instruments and metrological control, which together with certain Council Directives relating to particular categories of instruments was implemented by the 1980 Regulations.

The changes are as follows:—

(a) the use for trade of beltweighers in accuracy Class 2 within the meaning of Council Directive 75/410/EEC for the purpose of weighing any material other than ballast is prohibited (Regulation 4);

(b) the power to extend the validity of EEC pattern approval in Regulation 7(5) of the 1980 Regulations is restricted where there has been an amendment to the relevant Council Directive and the approval could not have been granted on the basis of that amendment (Regulation 5);

(c) the provisions relating to EEC limited pattern approval, except in relation to new techniques, in Regulation 8(1) of the 1980 Regulations are deleted with a consequential modification to Regulation 15 (Regulations 6, 7, 8 and 11);

(d) EEC pattern approval may additionally be revoked under Regulation 11(2) of the 1980 Regulations if the Secretary of State is satisfied that it was improperly procured (Regulation 9);

(e) in an application for EEC initial verification under Regulation 13 of the 1980 Regulations, an inspector of weights and measures must also determine, where EEC pattern approval is required for instruments of the category in question, whether the instrument complies with the requirements of the relevant Council Directive with a consequential amendment to paragraph 2(3)*(a)* of Schedule 3 (Regulations 10 and 13(b));

(f) meter measuring systems as covered by item 2.2 of the Annex to Council Directive 77/313/EEC may be used for trade without the mark of EEC initial verification where the mark on the system has been lawfully destroyed, obliterated or defaced, to allow the changing of the meter and gas separator assembly or e.g. for clearing jammed tickets from printers, for specified periods subject to specified conditions (Regulations 3 and 12);

(g) the examination mentioned in sub-paragraph 1*(d)* of Schedule 3 to the 1980 Regulations carried out by an inspector for the purposes of EEC initial verification is no longer required to relate in particular to the correct positioning but rather to the presence of any plug, seal or plate designed for use for the reception of an EEC mark (Regulation 13*(a)*);

(h) certain amendments are made to Schedule 5 to the 1980 Regulations in respect of their extension to Northern Ireland (Regulation 14).

SI 1984/1618
ISBN 0-11-047618-2

