EXPLANATORY MEMORANDUM TO

THE METERS (CERTIFICATION) (AMENDMENT) REGULATIONS 2026

2026 No. 162

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Business and Trade and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Kate Dearden MP, Parliamentary Under-Secretary of State (Minister for Employment Rights, Competition and Markets) at the Department for Business and Trade confirms that this Explanatory Memorandum meets the required standard.

2.2 Sophie George, Deputy Director for Product Safety, Sectors and Metrology Policy, at the Department for Business and Trade confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Christine Knox at the Department for Business and Trade can be contacted by email at the following address with any queries regarding the instrument: OPSSBriefingHub@businessandtrade.gov.uk. Alternatively, the department can be contacted by telephone: 0121 345 1202.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends the Meters (Certification) Regulations 1998 ("the 1998 Regulations") to certify meters by type. It also provides a mechanism for meter examiners to extend the duration of that certification by 5 years, on application from an authorised supplier, where the meter examiner is satisfied that the examination and testing of samples by a nominated laboratory shows meters of that type can reasonably be expected to operate accurately (within the permitted margins of error as prescribed by regulation 7(2) of the 1998 Regulations) for a further 5 years.

4.2 Meter examiners are "competent and impartial persons" appointed by the Secretary of State under paragraph 4 of Schedule 7 to the Electricity Act 1989 ("the Act") for the purposes of Schedule 7 (Use of electricity meters). Authorised suppliers are defined in section 64 of the Act as persons authorised by a licence or exemption to supply electricity (i.e. electricity suppliers). Nominated laboratories are defined in regulation 2(1) of the 1998 Regulations and are appointed by the Department for the purpose of testing meters. A list of them is available in Annex 2 of the Office for Product Safety and Standards' (OPSS) In-Service Testing Handbook[1] version 3.7 (the "IST Handbook").

[1] https://assets.publishing.service.gov.uk/media/66bb4394a3c2a28abb50e0d4/In-service-testing-handbook-3.7.pdf

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales and Scotland.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales and Scotland.

5. Policy Context

What is being done and why?

5.1 It is a legal requirement under the Act that domestic electricity meters that are used for billing purposes and not exempt, are certified. Certification ensures that domestic electricity meters are manufactured and tested to ensure they are functional and accurate. Meters placed on the market before October 2016 were certified under the 1998 Regulations for a defined certification period prescribed by law. This was set at 10 years in the case of meters certified from 1 August 1998 and, for meters certified before the 1998 Regulations came into force, the relevant certification periods for different types of meters were set by reference to transitional provisions in Schedule 4 to the 1998 Regulations.

5.2 Many of these meters are still in use though the original certification periods have now expired. To ensure that meters still functioning accurately were not unnecessarily replaced, avoiding unnecessary cost, inconvenience for consumers and waste, a process was established to enable authorised suppliers to apply to meter examiners for an extension of 5 years to the duration of certification for a particular meter type. The Department has become aware that this long-established practice (currently paused) of examining and testing a proportionate number of samples to assess whether meters of that type would continue to operate accurately for a further 5 years, did not in fact change the certification periods of those meter types in law. Therefore, many meters certified under the 1998 Regulations which have been through this sample testing process and are still in use, are no longer certified, despite functioning accurately.

5.3 This instrument ensures that functional and accurate meters can continue to be used in accordance with the Act's requirements, and provides clarity as to which meters are certified under the 1998 Regulations and can continue to be used (and for how long).

5.4 The instrument also provides a mechanism for meter examiners to extend the duration of this certification, following the well-established and robust sampling, examination and testing procedure. The duration of certification of a meter type can be extended for successive 5 year periods, as long as that meter type is each time assessed by a meter examiner as meeting conditions set out in new regulation 10A. This prevents the needless scrapping of functional and accurate meters in people's homes.

5.5 The procedure this instrument introduces into the 1998 Regulations to extend the duration of this certification reflects the longstanding practice, recognised by and developed with industry. Where, following application by an authorised supplier, a meter examiner considers a meter type suitable for testing (e.g. where the population of meters within a type is not too small), samples of meters of that type are sent to a nominated laboratory for examination and testing. It is usual for around 200 meters to be sample tested, but the exact number, and what samples are considered a proportionate and representative sample of the whole population, is determined by the meter examiner.

5.6 Further information can be found in the IST Handbook: see Section 5.0 on meter populations, Section 7.0 on sampling, and Annex 10 for the testing procedure. OPSS will publish updates to the IST Handbook to reflect this Instrument by 20 March 2026. This testing procedure is also used to test the continued accuracy of meters placed on the market after October 2016 which must meet the requirements under the Measuring Instruments Regulations 2016.

5.7 An alternative to regulation would be to match the existing certification practice to the existing legislation. This would mean re-certifying or replacing relevant meters. This was discounted as whilst re-certification is theoretically possible, this would not be practicable. Re-certifying a meter requires opening up a meter, subjecting it to extensive testing beyond merely accuracy requirements, and then resealing. Many newer meters are sealed for life when first certified, so would be destroyed by this process. It would also be very labour intensive and expensive to deliver. The alternative: replacing meters that remain accurate after their initial certification period, would involve significant business costs including installation and labour, and would create unnecessary environmental waste by scrapping large numbers of meters that may still function accurately.

What was the previous policy, how is this different?

5.8 The Department's policy has not changed. Ensuring electricity meters in people's homes are accurate and reliable continues to be a priority. The amendments this instrument makes are technical in nature and do not constitute a new policy position. The Department has worked to implement this instrument as soon as practicable once it became aware of the discrepancy between the long established practice and the 1998 Regulations, a practice which the Department inherited from its predecessors and is understood to have existed since the first certification regulations (the Meters (Certification) Regulations 1990) were made under the Act.

5.9 The impact on industry (beyond familiarisation costs) is not expected to be significant as the extension process will not change. The instrument will provide clarity and certainty to consumers and businesses in respect of this diminishing pool of older meters (some of which were subject to transitional measures in the 1998 Regulations), to ensure meters belonging to types that have been through the sample testing procedure are certified and that their certification is further extended in future if the relevant conditions are met.

5.10 The sampling and testing procedure was a process initially requested by industry to enable them to demonstrate continued compliance with the prescribed margins of error for meter types used to supply electricity. It was originally developed, and will continue to be reviewed and implemented, with industry engagement. OPSS will publish updates to the IST Handbook to reflect this instrument by 20 March 2026.

6. Legislative and Legal Context

How has the law changed?

6.1 This instrument, the Meters (Certification (Amendment) Regulations 2026, amends the 1998 Regulations by inserting new regulation 9A, which provides that meters of a type specified in the Table in new Schedule 4A are certified for a specified duration, varying by type of meter. Meters, to be certified by type, must have been certified by a meter examiner or authorised examiner in accordance with the 1998 Regulations or in accordance with the Act immediately before the 1998 Regulations came into force. The number of years specified in column 7 of the Table in Schedule 4A reflects meter

examiners' assessment of how long that meter type can reasonably be expected to operate within the permitted margins of error, based on either past sample testing of that type, or the estimates set in law by the 1998 Regulations or its predecessors that were in force when meters of that type were first certified. The duration of certification by type for each individual meter depends on when it was first certified (and sealed for life) for the purposes of the Act.

6.2 The instrument introduces a mechanism to extend the duration of this certification by type. New regulation 10A imposes a duty on a meter examiner to extend the duration of certification by 5 years on application by an authorised supplier of electricity where, following examination and testing of a sample of meters of the same type, the meter examiner is satisfied that the meter can reasonably be expected to operate within permitted margins of error for a further 5 years. The regulation does not specify a minimum number of meters to be submitted for examination and testing but does require the meter examiner to be satisfied that a sufficient number of meters of that type have been examined and tested by a nominated laboratory for them to be satisfied that it provides a reasonable test of all meters of that type. The duration of certification of a meter type can be extended in this way more than once, provided the process set out in regulation 10A is followed on each occasion.

6.3 As the instrument introduces certification by type, certain provisions of the 1998 Regulations are now spent and consequential changes have been made to remove spent provision. This includes omitting the definition of the "certification period" which is no longer required and replacing the defined term with the relevant time period in each place it appears, and revoking regulations 10(6) and Schedule 4 of the 1998 Regulations, spent transitional provisions that provided for the certification period of meters certified before the 1998 Regulations came into force on 1 August 1998.

Why was this approach taken to change the law?

6.4 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 A consultation was not undertaken as this instrument formalises a long standing (albeit paused since spring 2025) policy and process. There will be no change in the process for authorised suppliers to apply for extensions to certification, nor in the sampling and testing procedure undertaken, a process that was developed over a period of many years through engagement with stakeholders and industry.

8. Applicable Guidance

8.1 OPSS has published and regularly updates guidance on electricity meters certification under the 1998 Regulations[2].

[2] https://www.gov.uk/guidance/electricity-meter-certification
https://www.gov.uk/guidance/approved-gas-and-electricity-meters
https://www.gov.uk/government/publications/register-of-approved-electricity-meters
https://www.gov.uk/guidance/mir-approved-gas-and-electricity-meters

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because the impacts are expected to be de minimis with only minor administrative costs for business anticipated. These are expected to be one-off costs around familiarisation with the new legislation. We estimate this at less than £1k for the small pool of affected business stakeholders. The process for authorised suppliers to apply for extensions to the duration of certification of meters, and the examination, testing and sampling procedure, is the same as it was before the long-established practice was paused in spring 2025.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the impacts are expected to be de minimis with only minor administrative costs for business anticipated.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because, so far as the practical impact is concerned, it does not introduce any policy reform or material changes.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is through regular engagement with key stakeholders, for example authorised suppliers.

The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, Kate Dearden MP has made the following statement: "A review would not be appropriate given the minimal financial impact anticipated for business. Additionally, the instrument's effects are already, inherently, time limited. Meters in scope of the instrument are in a diminishing pool that will gradually get smaller over time, by either certification by type expiring or the meter types no longer operating reasonably accurately to the satisfaction of meter examiners. However, to ensure that electricity meters placed on the market in Great Britain before October 2016 and which are still in use are operating within the permitted margins of error, the Government will continue to keep the regulatory framework under review."

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts"). It does however relate to the withdrawal of the United Kingdom from the European Union to the extent that the 1998 Regulations are assimilated law.