SCHEDULES

[F1SCHEDULE 2A

APPROVALS UNDER ARTICLE 9A

F1 2000 c. 5(NI)

PART I

APPROVALS: GENERAL

Fees

1. Where—

(a) any person makes an application for an approval, or

(b) an approval is to be, or has been, granted to any person,

the Department may require that person to pay, in respect of any work carried out by or on behalf of the Department in relation to the application or the approval, such reasonable fee as the Department may determine with the approval of the Department of Finance and Personnel.

Form, effect and conditions of approvals

2.—(1) An approval shall be in writing and, unless previously withdrawn in accordance with any term in that behalf contained in the approval and subject to the following provisions of this Part, shall continue in force for such period (not exceeding five years) as may be specified in the approval.

(2) An approval—

(a) shall specify the classes or descriptions of weighing or measuring equipment for the testing, passing as fit for use for trade and stamping of which the verifier is approved;

(b) may include such conditions as appear to the Department to be requisite or expedient having regard to the need to ensure that only such equipment as is fit for use for trade is passed as fit for such use; and

(c) shall contain conditions requiring the verifier to satisfy the requirements set out in Part II.

(3) Without prejudice to the generality of sub-paragraph (2), conditions included in an approval by virtue of that sub-paragraph may.

(a) require the verifier to comply with any direction given by the Department as to such matters as are specified in the approval or are of a description so specified;

(b) require the verifier to ensure that his procedures for the testing of weighing or measuring equipment conform with such quality standards as are specified in the approval or are of a description so specified.

Suspension of approvals

3.—(1) If it appears to an inspector that, otherwise than in accordance with Article 13A, the prescribed stamp has been, or is being, applied by an approved verifier to equipment which had not, or has not, been duly tested and passed as fit for use for trade, he may give to the verifier a notice (a "suspension notice") suspending the verifier's approval (either generally or in relation to particular areas or places) for a period not exceeding 28 days.

(2) Where an inspector gives a suspension notice, he shall forthwith send a copy of the notice to the chief inspector and inform the approved verifier in writing of.

(a) the circumstances which have led to the giving of the notice;

(b) the date on which the notice takes effect; and

(c) the effect of the following provisions of this paragraph.

(3) An approved verifier who has taken steps to prevent a recurrence of the circumstances which led to the giving of a suspension notice may apply to the inspector for the suspension to be withdrawn before the expiry of the specified period; and an application under this sub-paragraph—

(a) shall be made by notice to the inspector given not later than 21 days after the date of the suspension notice; and

(b) shall state the steps taken to prevent such a recurrence.

(4) An inspector shall consider any application made to him under sub-paragraph (3) and, having done so, shall notify the approved verifier of his decision.

(5) An approved verifier who is aggrieved by a suspension notice may apply to the chief inspector to review the suspension; and an application under this sub-paragraph.

(a) shall be made by notice to the chief inspector given not later than 21 days after the date of the suspension notice; and

(b) shall state the grounds on which the application is made.

(6) The chief inspector shall consider any application under sub-paragraph (5) and, having done so, shall notify the approved verifier and the inspector of his decision.

(7) Where the chief inspector decides under sub-paragraph (6) to uphold the suspension, he shall also notify the approved verifier and the inspector of the grounds for his decision.

(8) Where the chief inspector decides under sub-paragraph (6) not to uphold the suspension, he shall instruct the inspector to withdraw the suspension.

Withdrawal of approvals

4.—(1) Subject to sub-paragraph (2), the Department may by written notice withdraw an approval if at any time during the continuance of the approval.

(a) the Department is of the opinion that if the approval had expired at that time it would have been minded not to grant a further approval;

(b) it appears to the Department on reasonable grounds that the verifier is, or has been, in breach of any condition contained in the approval; or

(c) any fee due to the Department by virtue of a requirement made by it under paragraph 1 has not been paid.

(2) Except where the Department considers in the circumstances of any particular case that it is necessary for it to withdraw an approval without delay, it shall not withdraw an approval unless it has given the verifier at least 28 days written notice of its intention to do so and of the grounds for withdrawal.

(3) Where the Department withdraws an approval without giving the notice required by sub-paragraph (2), it shall, at or before the time when the withdrawal takes effect, give the verifier written notice of the grounds for withdrawal and of its reasons for considering it necessary to withdraw the approval without delay.

(4) Where a verifier receives notice under sub-paragraph (2) or (3), he may within 21 days of receipt of the notice make representations in writing to the Department.

(5) The Department shall consider any representations so made and, having done so, shall notify the verifier of its decision.

Grant of new approval following withdrawal

5.—(1) Where the Department decides, whether in the light of representations or otherwise, that an approval which has been withdrawn should not have been withdrawn, it shall as soon as reasonably practicable grant a new approval to the former verifier.

(2) The new approval shall expire on the date on which the withdrawn approval would have expired and (except as may otherwise be agreed with the former verifier) shall be subject to the same terms and conditions as the withdrawn approval.

(3) Where the Department grants a new approval under sub-paragraph (1), the verifier shall be deemed to have remained approved for the period beginning on the date on which the original approval was withdrawn and ending on the date on which the new approval took effect.

Application for further approval

6.—(1) This paragraph applies where, not less than three months before the end of the period specified in an approval as the period for which the approval is to continue in force, the verifier applies to the Department for the grant of a further approval in the same, or substantially the same, terms as those of the existing approval.

(2) The existing approval shall remain in force until the Department gives the verifier notice of its decision with respect to the application.

PART II

REQUIREMENTS TO BE MET BY APPROVED VERIFIERS

Maintenance of quality system

7.—(1) An approved verifier shall maintain in force such systems and procedures (in this Part referred to as his quality system) as will ensure that—

(a) any weighing or measuring equipment passed by the verifier as fit for use for trade satisfies any requirements relating to it imposed by or under this Order; and

(b) adequate testing procedures are undertaken by the verifier having regard to the nature of weighing or measuring equipment with which the verifier is concerned and, in particular, to whether any such equipment is electronic.

(2) An approved verifier shall give the Department written notice, within five working days of their occurrence, of any modifications to the verifier's quality system which are liable to affect its appropriateness or effectiveness.

(3) An approved verifier shall permit the Department, at any reasonable time after giving written notice, to carry out such audits and inspections of the verifier's quality system as the Department considers necessary to establish that the conditions of the approval have been, and will continue to be, observed.

Preparation etc. of quality system manual

8.—(1) An approved verifier shall prepare and keep up-to-date a quality system manual, that is to say, a document—

(a) showing how his quality system satisfies the requirements of paragraph 7(1);

(b) setting out the objectives of that system;

(c) containing details of his organisational structure, including details

(i) the persons who have management responsibility for that system, including their names and individual responsibilities;

(ii) the persons who are authorised to test, pass or stamp weighing or measuring equipment with which the verifier is concerned, including their names and qualifications;

(d) containing details of the equipment and other items required for the testing of weighing or measuring equipment with which the verifier is concerned;

(e) containing a description of the regulations made under this Order and certificates of approval issued under Article 10, which are applicable to the testing, passing or stamping of weighing or measuring equipment with which the verifier is concerned;

(f) containing a description of the verifier's procedures.

(i) for the testing of weighing or measuring equipment;

(ii) for ensuring that weighing or measuring equipment passed as fit for use for trade conforms with any such regulations and (where applicable) any such certificates of approval;

(iii) for ensuring that weighing or measuring equipment which does not conform with any such regulations, or (where applicable) any such certificates of approval, is prevented from being passed as fit for use for trade;

(iv) for ensuring that any persons conducting tests of weighing or measuring equipment have the necessary skills and qualifications to do so;

(v) for ensuring that the verifier exercises control over and retains responsibility for the actions of any sub-contractor of his in relation to the testing of weighing or measuring equipment;

(vi) for enabling identification of individual items or batches of weighing or measuring equipment;

(vii) for the control of the equipment used for the testing of weighing or measuring equipment;

(viii) for the control and use of the prescribed stamp;

(ix) for the control of documents and data;

(x) for undertaking internal reviews and audits of the verifier's quality system; and

(g) containing a description of the verifier's system of records for showing that any weighing or measuring equipment passed as fit for use for trade conforms with any such regulations and (where applicable) any such certificates of approval.

(2) An approved verifier shall, on demand by the Department, provide it with such copies of or extracts from the verifier's quality system manual as may be specified or of a description specified in the demand.

Keeping of records

9. An approved verifier shall keep a record of every test carried out by him of equipment to which Article 9 applies.**]**

Changes to legislation:
There are currently no known outstanding effects for the Weights and Measures (Northern Ireland) Order 1981, SCHEDULE 2A.