

1975 No. 1873

GAS

**The Measuring Instruments (EEC Requirements)
(Gas Volume Meters) Regulations 1975**

Made - - - - 6th November 1975

Laid before Parliament 26th November 1975

Coming into Operation 16th December 1975

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, and in exercise of his powers under section 30(6)(a), (d) and (e) of the Gas Act 1972(c) and of all other powers in that behalf enabling him, hereby makes the following regulations:—

1. These regulations may be cited as the Measuring Instruments (EEC Requirements) (Gas Volume Meters) Regulations 1975 and shall come into operation on 16th December 1975.

2. The Interpretation Act 1889(d) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

3. The Measuring Instruments (EEC Requirements) Regulations 1975(e) shall apply to gas volume meters to which Council Directive No. 71/318/EEC(f), as amended(g), applies subject to the modifications specified in the Schedule to these regulations.

John Smith,

Parliamentary Under Secretary of State
Department of Energy.

6th November 1975.

Regulation 3

SCHEDULE

MODIFICATIONS TO THE MEASURING INSTRUMENTS (COMPLIANCE WITH EEC
REQUIREMENTS) REGULATIONS 1975

1.—(1) In regulation 4, in paragraph (1)—

(a) the following definition shall be inserted after that of “the Directive on medium accuracy bar weights and cylindrical weights”:—

“ ‘the Directive on gas volume meters’ means Council Directive No. 71/318/EEC as amended;”, and

(a) The European Communities (Designation) Order 1975, S.I. 1975/427 (1975 I, p. 1345).

(b) 1972 c. 68. (c) 1972 c. 60. (d) 1889 c. 63.

(e) S.I. 1975/1173 (1975 II, p. 4045).

(f) O.J. No. L202, 6.9.71, p. 21 (O.J./S.E. 1971 (III) p. 729).

(g) Commission Directive No. 74/331/EEC, O.J. No. L189, 12.7.74, p. 9.

(b) the following definition shall be inserted after that of "manufacturer":—
 "meter examiner" means a meter examiner appointed or holding office under section 30 of the Gas Act 1972, or an inspector appointed in Northern Ireland under section 5 of the Sale of Gas Act 1859(a)."

(2) In paragraph (2) of that regulation, for the words from "means" to the end of the paragraph, there shall be substituted the words "means the Directive on gas volume meters".

(3) In paragraph (4) of that regulation, the words from the beginning of the paragraph to "hereto," shall have no effect.

2. For regulation 5 there shall be substituted the following regulation:—

"5. Nothing in section 30 of the Gas Act 1972 (meters not to be used for ascertaining the quantity of gas supplied unless stamped under that section) or in section 13 of the Gas Regulation Act 1920(b) (meters to be stamped) shall restrict the use in Great Britain and Northern Ireland respectively of any instrument which bears the mark of EEC initial verification for ascertaining the quantity of gas supplied, provided that the mark remains undefaced otherwise than by reason of fair wear and tear".

3. In regulation 6(2), the following entry shall be inserted in the Table after the entry relating to the Directive on medium accuracy bar weights and cylindrical weights:—

"The Directive on gas volume meters.	Yes	Yes"
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4. Regulations 7(4) and 11(3) shall have no effect.

5. For regulation 13 there shall be substituted the following regulation:—

"EEC initial verification

13.—(1) An application for consideration of any instrument of a category to which the Directive on gas volume meters applies for EEC initial verification shall be made to a meter examiner in such manner as the Secretary of State or, as respects an application made in Northern Ireland, the Department of Commerce may direct and shall be subject to the payment of such fee as may be prescribed by, or determined under, regulations made under section 56 of the Finance Act 1973(c).

(2) The meter examiner shall determine whether an EEC pattern approval is in force in respect of the instrument and, if so, whether it conforms to the approved pattern, and where he is satisfied—

(a) that the instrument conforms to the requirements of the Directive on gas volume meters; and

(b) that an EEC pattern approval is in force in respect of the instrument and that the instrument conforms to the approved pattern

he shall affix or authorise to be affixed to the instrument the United Kingdom mark of EEC initial verification, and shall at the same time apply or authorise the application of any seals required by that Directive to be applied in connection with initial verification.

(3) If the meter examiner refuses to affix or authorise to be affixed any EEC mark he shall give to the applicant a statement in writing of his reasons for refusal.

(4) Schedule 3 to these regulations shall apply for regulating the conduct in the United Kingdom of EEC initial verification in relation to instruments of a category to which the Directive on gas volume meters applies."

6. For Part IV of the regulations (Supplementary Provisions) there shall be substituted the following Part:—

(a) 1859 c. 66.

(b) 1920 c. 28.

(c) 1973 c. 51.

"PART IV

SUPPLEMENTARY AND CONSEQUENTIAL PROVISIONS

Effect of revocation of EEC pattern approval

14.—(1) Where—

- (a) the Secretary of State revokes an EEC pattern approval relating to instruments of a category to which the Directive on gas volume meters applies; or
- (b) it appears to the Secretary of State that any such pattern approval has been revoked by any member State other than the United Kingdom;

the Secretary of State may by notice in writing given to any person responsible for supplying gas through any instrument of the pattern in question require that person to replace the instrument, or any instrument of that pattern, within a period of three months beginning with the date of the notice; and if after the end of that period that person supplies gas through an instrument of the pattern in question he shall be guilty of an offence.

(2) Section 44(1) of the Gas Act 1972 (service of notices, etc.) shall apply to the giving of a notice under paragraph (1) above as it applies to the giving of a notice under that Act.

Temporary prohibition of supply

15.—(1) Where the Secretary of State is satisfied that instruments constructed according to a pattern in respect of which an EEC pattern approval granted by a member State other than the United Kingdom is in force reveal in service a defect of a general nature which makes them unsuitable for their intended use, he may issue a prohibition notice under this regulation with respect to instruments of that pattern.

(2) Regulation 14 above shall apply, with the necessary modifications, so long as a prohibition notice issued under this regulation is in force with respect to instruments of any pattern, as it applies in a case where pattern approval is revoked by the Secretary of State.

(3) A prohibition notice under this regulation shall give particulars of the pattern to which it relates.

(4) The Secretary of State may withdraw a prohibition notice at any time.

(5) If the Secretary of State issues a prohibition notice under this regulation he shall give a statement in writing of his grounds for doing so to any person appearing to him to be concerned.

Unauthorised application of EEC signs and marks, etc.

16.—(1) Subject to paragraph (2) below, any person who, in the case of an instrument of a category to which the Directive on gas volume meters applies—

- (a) not being a meter examiner or a person acting under the authority of a meter examiner, marks in any manner any plug, seal or plate used or designed for use for the reception of any EEC mark; or
- (b) not being a manufacturer authorised or required to do so under any provision of these regulations, or the duly authorised agent of any such manufacturer, marks any such instrument with any EEC sign; or
- (c) forges, counterfeits or, except pursuant to a duty imposed on a meter examiner, in any way alters or defaces any EEC sign or mark; or
- (d) removes any EEC sign or mark and inserts it into any other measuring instrument; or
- (e) makes any alteration in the instrument after any EEC sign or mark has been applied to it in accordance with these regulations, so that it no longer complies with the requirements of the relevant Directive;

shall be guilty of an offence.

(2) A person shall not be guilty of an offence under paragraph (1) above by reason solely of the destruction or obliteration of any sign, mark, plug, seal or place in the course of the adjustment or repair of any instrument of a category to which the Directive on gas volume meters applies by, or by the duly authorised agent of, a person who is a manufacturer of, or regularly engaged in the business of repairing, such instruments.

(3) Any person who supplies gas through any instrument of a category to which the Directive on gas volume meters applies which to his knowledge—

(a) bears any EEC sign or mark which is a forgery or counterfeit, or which has been transferred from another instrument, or which has been altered or defaced otherwise than pursuant to a duty imposed on a meter examiner or as permitted by virtue of paragraph (2) above; or

(b) does not comply with the requirements of the Directive on gas volume meters by reason of any alteration made in it after any EEC sign or mark was applied to it in accordance with these regulations;

shall be guilty of an offence.

Offences by corporations

17.—(1) Where an offence under any provision of these regulations which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Prosecutions and punishment of offences under these regulations

18. Proceedings for any offence under regulation 16 above shall not, in England and Wales, be instituted except by or with the consent of the Secretary of State or by the Director of Public Prosecutions.

19. Any person guilty of an offence under regulations 14 or 15 above shall be liable on summary conviction to a fine not exceeding £100, and any person guilty of an offence under regulation 16 above shall be liable on summary conviction to a fine not exceeding £200.

Consequential provisions

20.—(1) In Schedule 4 to the Gas Act 1972 (gas supply code regulating supply of gas by the British Gas Corporation) references in paragraphs 7 and 10, however expressed, to a meter stamped under section 30 of that Act shall be construed as including references to a meter bearing the mark of EEC initial verification.

(2) In relation to the consumption of gas in Northern Ireland, the reference in section 13 of the Gasworks Clauses Act 1871(a) (undertakers may require consumers to use meters) the reference to a meter stamped under the authority of the Sale of Gas Act 1859 shall be construed as including a reference to a meter bearing the mark of EEC initial verification.

(3) In the Gas (Meter) Regulations 1974(b) as amended (c),—

(a) in regulation 2(1), the definition of “relevant Community provisions” shall be omitted;

(a) 1871 c. 41.

(b) S.I. 1974/848 (1974 II, p. 3754).

(c) S.I. 1975/1071 (1975 II, p. 3285).

(b) regulation 3 shall be omitted; and

(c) in regulation 5, references, however expressed, to a meter stamped under section 30 of the Gas Act 1972 shall be construed as including references to a meter bearing the mark of EEC initial verification and references to a stamp shall be construed as including references to that mark.

(4) In the Gas (Meter) Regulations (Northern Ireland) 1975(a) references in regulation 4, however expressed, to a meter stamped under section 13 of the Gas Regulation Act 1920 shall be construed as including references to a meter bearing the mark of EEC initial verification and references to a stamp shall be construed as including references to the mark."

7. In paragraph 5(6) of Schedule 1, after the word "inspector", there shall be inserted the words "or, where the instrument in question is an instrument to which the Directive on gas volume meters applies, the office of the meter examiner,".

8. Schedule 3 shall have effect as if the reference in paragraph 3(1) to the inspector dealing with the application were a reference to the Secretary of State or, as respects an application made in Northern Ireland, the Department of Commerce, and as if the remaining references to an inspector were references to a meter examiner.

9. Schedules 4 and 5 shall have no effect.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations apply the Measuring Instruments (EEC Requirements) Regulations 1975 subject to modifications to certain gas volume meters to which Council Directive No. 71/318/EEC as amended applies; they implement the obligations of the United Kingdom under Council Directive No. 71/316/EEC (O.J. No. L202, 6.9.1971, p.1 (O.J./S.E. 1971 (II), p. 707)), as amended (Council Directive No. 72/427/EEC. O.J. L291, 28.12.1972, p. 156 (O.J./S.E. 1972 28-30 Dec.), p. 71)), and Council Directive No. 71/318/EEC as amended.

The principal modifications to the Measuring Instruments (EEC Requirements) Regulations 1975 are as follows:—

- (a) The substitution for regulation 5 of a regulation providing that the prohibition on the use of meters not stamped under section 30 of the Gas Act 1972 and, as regards Northern Ireland, the requirement in section 13 of the Gas Regulation Act 1920 that meters be stamped shall not restrict the use of meters bearing the mark of EEC initial verification.
- (b) The requirements in regulations 7(4) and 11(3) for publication of EEC pattern approval or revocations of such approvals respectively are to have no effect.
- (c) The substitution for regulation 13 of a regulation providing for EEC initial verification of gas volume meters by meter examiners.
- (d) The substitution for Part IV of supplementary provisions in respect of gas volume meters relating to—
 - (i) the effect of revocation of EEC pattern approval (regulation 14),
 - (ii) the temporary prohibition of supply (regulation 15),
 - (iii) the unauthorised application of EEC signs and marks etc. (regulation 16),
 - (iv) offences by corporations and the prosecution and punishment of offences (regulations 17 to 19).

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