
STATUTORY INSTRUMENTS

1995 No. 2607

ELECTRICITY

**The Measuring Instruments (EC Requirements)
(Electrical Energy Meters) Regulations 1995**

<i>Made</i>	- - - -	<i>4th October 1995</i>
<i>Laid before Parliament</i>		<i>6th October 1995</i>
<i>Coming into force</i>	- -	<i>1st November 1995</i>

The Secretary of State, being a Minister designated⁽¹⁾ for the purpose of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the regulation of specifications, construction, placing on the market and use of equipment intended for weighing, measuring or testing or purposes ancillary thereto, in exercise of the powers conferred by that section, hereby makes the following Regulations:

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Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Measuring Instruments (EC Requirements) (Electrical Energy Meters) Regulations 1995 and shall come into force on 1st November 1995.

(2) The Measuring Instruments (EEC Requirements) (Electrical Energy Meters) Regulations 1980⁽³⁾ are hereby revoked.

Interpretation and extent

2.—(1) In these Regulations,

- (a) “the Act” means the Electricity Act 1989⁽⁴⁾;
- (b) “the Directive on electrical energy meters” means Council Directive No. [76/891/EEC](#)⁽⁵⁾ as amended by Commission Directive No. [82/621/EEC](#)⁽⁶⁾ and Protocol 1 and Part IX of Annex II to the EEA Agreement;
- (c) “the Director” means the Director General of Electricity Supply or the Director General of Electricity Supply for Northern Ireland, as the case may be;

(1) [S.I. 1975/427](#).

(2) [1972 c. 68](#).

(3) [S.I. 1980/886](#).

(4) [1989 c. 29](#).

(5) O.J. No. L336, 4.12.1976, p.30.

(6) O.J. No. L252, 27.8.1982, p.1.

- (d) “EC initial verification” includes “EEC initial verification” and “EC pattern approval” includes “EEC pattern approval”;
 - (e) “EC mark” includes “EEC mark”, and “EC sign” includes “EEC sign”;
 - (f) “the EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(7), together with the Protocol adjusting that Agreement signed at Brussels on 17th March 1993(8);
 - (g) “EEA State” means a state which, at the date of the entry into force of these Regulations, is a Contracting Party to the EEA Agreement;
 - (h) “electricity meter examiner” means a meter examiner appointed under paragraph 4 of Schedule 7 to the Act or paragraph 5(1) of Schedule 7 to the Northern Ireland Order;
 - (i) “electricity supplier” has the meaning given to it by paragraph 13 of Schedule 7 to the Act or paragraph 1 of Schedule 7 to the Northern Ireland Order, as the case may be;
 - (j) “manufacturer”, where more than one person is responsible for the manufacture of an instrument, means the person responsible for the final stage of manufacture;
 - (k) “the 1988 Regulations” means the Measuring Instruments (EEC Requirements) Regulations 1988(9);
 - (l) “the Northern Ireland Order” means the Electricity (Northern Ireland) Order 1992(10);
 - (m) “relevant instrument” means an instrument of a category to which the Directive on electrical meters applies; and
 - (n) “the seal of EC initial verification” means the seal incorporating the mark of EC initial verification.
- (2) These Regulations shall extend to Northern Ireland.

Modifications to Schedule 7 to the Act

3.—(1) Schedule 7 to the Act (use etc. of electricity meters) shall have effect subject to the following provisions in its application to a meter which is a relevant instrument.

(2) If the meter is of a pattern in respect of which an EC pattern approval has been granted, for the purposes of paragraphs 2(1)(a), 3(1)(a), 5(2)(a), 7(1)(b), and 9(3) it shall be deemed to be of an approved pattern or construction.

(3) If the meter bears the mark of EC initial verification, the following rules shall apply—

- (a) for the purposes of paragraphs 2(1)(b) and 3(1)(b), and subject to any provision in regulations under paragraph 5(4)(a) for the termination of certification, the meter shall be deemed to be certified under paragraph 5;
- (b) for the purposes of the application of paragraphs 7(1)(c) and (2) and 9(3) and (4), “prescribed margins of error” shall be construed in accordance with paragraph 13 notwithstanding that such margins of error were prescribed with respect to certification;
- (c) if the meter is installed and the installer had reason to believe that the manufacturer had given directions about its installation, for the purposes of paragraphs 2(1)(a), 3(1)(a), 7(1)(b) and 9(3) it shall be deemed to be installed in an approved manner if (and only if) it is installed in accordance with the directions; and

(7) Cm. 2073. European Communities No. 7 (1992); O.J. No. L1, 3.1.1994, p.1; and Luxembourg, Office for Official Publications of the European Communities, 1992, ISBN 92-826-3445-O.

(8) Cm. 2183, European Communities No. 2 (1993).

(9) S.I. 1988/186.

(10) S.I. 1992/231 (N.I. 1).

- (d) if the meter is installed and the installer had no reason to believe that the manufacturer had given directions about its installation, for the purposes of paragraphs 2(1)(a), 3(1)(a), 7(1)(b) and 9(3) it shall be deemed to be installed in an approved manner if (and only if) the manner of installation does not impede its operation with the prescribed margins of error; and for this purpose “prescribed margins of error” shall be construed in accordance with paragraph 13 notwithstanding that such margins of error were prescribed with respect to certification.

(4) This regulation applies in relation to the use or certification of meters on or after 1st November 1995.

Modifications to Schedule 7 to the Northern Ireland Order

4.—(1) Schedule 7 to the Northern Ireland Order (use etc. of electricity meters) shall have effect subject to the following provisions in its application to a meter which is a relevant instrument.

(2) If the meter is of a pattern in respect of which an EC pattern approval has been granted, for the purposes of paragraphs 3(1)(a), 4(1)(a), 6(2)(a), 8(1)(b) and 10(3) it shall be deemed to be an approved pattern or construction.

(3) If the meter bears the mark of EC initial verification, the following rules shall apply—

- (a) for the purposes of paragraphs 3(1)(b) and 4(1)(b), and subject to any provision in regulations under paragraph 6(4)(a) for the termination of certification, the meter shall be deemed to be certified under paragraph 6;
- (b) for the purposes of the application of paragraphs 8(1)(c) and (2) and 10(3) and (4) “prescribed margins of error” shall be construed in accordance with paragraph 1 notwithstanding that such margins of error were prescribed with respect to certification;
- (c) if the meter is installed and the installer had reason to believe that the manufacture had given directions about its installation, for the purposes of paragraphs 3(1)(a), 4(1)(a), 8(1)(b), and 10(3) it shall be deemed to be installed in an approved manner if (and only if) it is installed in accordance with the directions; and
- (d) if the meter is installed and the installer had no reason to believe that the manufacturer had given directions about its installation, for the purposes of paragraphs 3(1)(a), 4(1)(a), 8(1)(b) and 10(3) it shall be deemed to be installed in an approved manner if (and only if) the manner of installation does not impede its operation within the prescribed margins of error; and for this purpose “prescribed margins or error” shall be construed in accordance with paragraph 1 notwithstanding that such margins of error were prescribed with respect to certification.

(4) This regulation applies in relation to use or certification of meters on or after 1st November 1995.

Application of provisions of the 1988 Regulations

5.—(1) Subject to the modifications specified in paragraph (2) below—

- (a) the provisions of regulation 4 of and Schedule 1 to the 1988 Regulations (pattern approval and initial verification: the EC signs and marks) shall apply in relation to these Regulations as they apply in relation to the 1988 Regulations, and references in these Regulations to EC signs or marks shall be construed accordingly; and
- (b) the following provisions of the 1988 Regulations relating to EC pattern approval shall apply in relation to relevant instruments: regulation 8 (with the omission of paragraph (4)) and Schedule 2, and regulations 9, 10, 11, 12(2), 12(4), 16 and 18.

(2) The modifications referred to in paragraph (1) above are as follows:

- (a) references to a member State shall be construed as referring to a member State or an EEA State;
 - (b) except for the purpose of any reference to “Schedule 1 to these Regulations”, references in the 1988 Regulations to “these Regulations” shall be construed as referring to these Regulations in addition to such provisions of the 1988 Regulations as are applied by paragraph (1) of this regulation;
 - (c) references to an instrument shall be construed as referring to a relevant instrument;
 - (d) references to an instrument being used for trade shall be construed as referring to a relevant instrument being used for ascertaining the quantity of electricity supplied by an electricity supplier to a customer;
 - (e) references to “the relevant Directive” shall be construed as referring to the Directive on electrical energy meters; and
 - (f) references to “the Secretary of State” shall be construed as referring instead to the Director.
- (3) The provisions of the 1988 Regulations applied by paragraph (1) above shall be construed in accordance with these Regulations.

Material to be submitted with application for EC pattern approval

6.—(1) An application for EC pattern approval shall be accompanied by the materials specified in Schedule 1 hereto.

(2) Where the application additionally relates to a variant of any instrument submitted with the application, the Director may in addition require the submission of a sample of the variant in question.

Effect of revocation of EC pattern approval

7.—(1) Where—

- (a) the Director revokes an EC pattern approval relating to a category of relevant instruments, or
- (b) it appears to the Director that any such pattern approval has been revoked by any member State other than the United Kingdom or by any other EEA State,

the Director shall cause a notice to be published in the London Gazette, the Edinburgh Gazette and the Belfast Gazette, requiring all relevant instruments of the pattern in question used for the purpose of ascertaining the amount of electrical energy supplied to any person in England and Wales, Scotland and Northern Ireland, respectively, to be removed as soon as practicable and in any event within a period of six months beginning with the date of publication of the notice in the jurisdiction in which the meter is situated.

(2) A notice under this regulation shall give particulars of the pattern to which it relates and shall include a statement of the grounds for the publication of the notice.

Instruments of defective pattern

8.—(1) Where the Director is satisfied that relevant instruments, constructed according to a pattern in respect of which an EC pattern approval granted by a member State or an EEA 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 shall cause a notice to be published in the London Gazette, the Edinburgh Gazette and the Belfast Gazette, requiring all relevant instruments of the pattern in question used for the purposes of ascertaining the amount of electrical energy supplied to any person in England and Wales, Scotland and Northern Ireland, respectively, to be removed

as soon as practicable and in any event within a period of six months beginning with the date of publication of the notice in the jurisdiction in which the meter is situated.

(2) A notice under this regulation shall give particulars of the pattern to which it relates and shall include a statement of the grounds for the publication of the notice.

(3) The Director may at any time withdraw a notice under this regulation by publishing a notice of withdrawal in the London, Edinburgh and Belfast Gazettes.

EC initial verification

9.—(1) An application for the consideration of any relevant instrument for EC initial verification shall be made to an electricity meter examiner in such manner as the Director may direct.

(2) The electricity meter examiner shall determine whether an EC pattern approval is in force in respect of the instrument and, if so, whether it conforms to the approved pattern and to the requirements of the Directive on electrical energy meters; and, where he is satisfied

- (a) that the instrument conforms to the requirements of the Directive on electrical energy meters, and
- (b) that an EC pattern approval is in force in respect of the instrument and that the instrument conforms to the approved pattern,

he shall authorise the seal of EC initial verification to be affixed to the instrument.

(3) If the electricity meter examiner refuses to authorise the seal of EC initial verification to be affixed to a relevant instrument, he shall give to the applicant a statement in writing of his reasons for refusal.

(4) Each electricity meter examiner shall keep a record of all tests and examinations carried out by him under this regulation.

(5) Schedule 2 to these Regulations shall apply for the purpose of regulating the conduct in the United Kingdom of EC initial verification in relation to relevant instruments.

Fees

10. The Director may charge such reasonable fees as he may determine in respect of any costs reasonably incurred by him for the purposes of the examination by an electricity meter examiner of:

- (a) any pattern of a relevant instrument submitted for EC pattern approval; and
- (b) any relevant instrument submitted for EC initial verification.

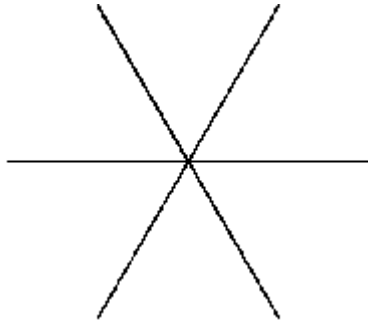
Obliteration of EC signs and marks

11.—(1) An electricity meter examiner may remove the seal of EC initial verification affixed to a relevant instrument or obliterate any EC sign or mark affixed thereto if he is satisfied—

- (a) that the instrument to which the seal is affixed falls outside the limits of error referred to in regulations 3(3)(d) and 4(3)(d) above; or
- (b) that the instrument does not comply with the requirements of the Directive on electrical energy meters.

(2) Without prejudice to paragraph (1) above, where an electricity meter examiner is satisfied that an EC pattern approval (whether granted in the United Kingdom or by any other member State or EEA State) has ceased to have effect, he may, at the request of any person appearing to him to be the owner of a relevant instrument which bears any EC sign or mark related to that EC pattern approval, remove the seal of EC initial verification affixed thereto, or obliterate any EC sign or mark thereon.

(3) Subject to paragraph (4) below, obliteration under this regulation shall be carried out by the electricity meter examiner by means of punches or pincers of a six-pointed star design as shown in the following illustration:—



(4) Paragraph (3) above shall not apply where in the opinion of the electricity meter examiner it would be impossible to obliterate any EC sign or mark by the method there specified; and in any such case obliteration shall be carried out in such other manner as the Director may direct, whether generally or in relation to signs or marks of any particular description.

Unauthorised application of EC signs and marks, etc

- 12.**—(1) Subject to paragraph (2) below, any person who, in the case of a relevant instrument,
- (a) not being an electricity meter examiner or a person acting under the authority of an electricity meter examiner, marks in any manner any seal or plate used or designed for use for the reception of any EC sign or mark;
 - (b) not being authorised or required to do so under any provision of these Regulations, marks any such instrument with any EC sign or mark;
 - (c) forges, counterfeits or, except pursuant to a duty imposed on an electricity meter examiner, in any way alters or defaces any EC sign or mark;
 - (d) removes any EC sign or mark and inserts it into or attaches it onto any other relevant instrument; or
 - (e) makes any alteration in the instrument after any EC sign or mark has been applied to it in accordance with these Regulations, so that it no longer complies with the requirements of the Directive on electrical energy meters;

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, seal or plate, in the course of the adjustment or repair of any instrument of a category to which the Directive on electrical energy meters applies, by or by the duly authorised agent of the person who is a manufacturer of, or regularly engaged in the business of repairing, such instruments.

(3) Any person who supplies electricity through any relevant instrument, which to his knowledge

- (a) bears any EC 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 as permitted by virtue of paragraph (2) above; or
- (b) does not comply with the requirements of the Directive on electrical energy meters by reason of any alteration made in it after any EC sign or mark was applied to it in accordance with these Regulations;

shall be guilty of an offence.

Offences by Corporations

13.—(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 guilty of that offence and be liable to be proceeded against and penalised 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.

Penalties

14.—(1) Any person guilty of an offence under regulation 12 above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Any person guilty of an offence under regulation 16 or 18 of the 1988 Regulations, as applied by regulation 5(1) above, shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Prosecution and punishment of offences under these Regulations

15. In respect of an offence under regulation 12(3) above or under regulation 16 or 18 of the 1988 Regulations, as applied by regulation 5(1) above, no proceedings shall be instituted in England and Wales or in Northern Ireland except by or on behalf of the Director.

4th October 1995

Richard Page,
Parliamentary Under-Secretary of State,
Department of Trade and Industry

SCHEDULE 1

Regulation 6(1)

MATERIAL TO BE SUBMITTED WITH APPLICATION FOR EC PATTERN APPROVAL

1. Three sample meters having such basic current and reference voltage as the Director, upon examination of the tables referred to in paragraph 2 below, may select.
2. Tables of—
 - (a) all voltage and current windings (that is to say, number of turns, size of conductors and insulation); and
 - (b) meter constants and torques for all voltage and current values.
3. A drawing of the relevant instrument, showing the position intended for the seal of EC initial verification, and drawings of the following components: base, handle and fixing points; cover; terminal plate and cover; driving element; windings and air gaps; breaking element and method of adjustment; register; rotor; upper and lower rotor bearings; temperature compensating devices; overload compensating devices; inductive load adjustment; light load adjustment; auxiliary circuits; and rating plate.
4. A diagram of internal and external connections (including auxiliary circuits) showing the phase sequence.
5. A detailed description of the construction of the instrument and of its main components, and a description of the position where the seal of EC initial verification is intended to be affixed.

SCHEDULE 2

Regulation 9(5)

EC INITIAL VERIFICATION

Matters relevant to examination

1. Any examination carried out by an electricity meter examiner for the purposes of EC initial verification shall relate in particular, in accordance with the requirements of the Directive on electrical energy meters, to—
 - (a) the measurement characteristics of the relevant instrument;
 - (b) the maximum permissible errors laid down by the Directive on electrical energy meters;
 - (c) the construction of the relevant instrument, with regard to ensuring that the measurement characteristics do not deteriorate to any material degree under normal conditions of use; and
 - (d) the presence of any inscriptions required by the Directive on electrical energy meters and any seal or plate designed for use for the reception of an EC mark.

Single stage of EC initial verification

2. EC initial verification of any relevant instrument shall be carried out in one stage; and the electricity meter examiner carrying out such initial verification shall comply with the requirements of the Directive on electrical energy meters as to the manner in which initial verification of relevant instruments shall be conducted.

Place of EC initial verification

3.—(1) The examination for EC initial verification shall be carried out at a place chosen by the electricity meter examiner dealing with the application.

(2) An electricity meter examiner carrying out any examination for the purposes of EC initial verification may require the applicant to provide such facilities and assistance as appear to him to be necessary for carrying out the examination, and may also require the applicant to provide him with a copy of any certificate of EC pattern approval, and any documents annexed thereto, which relate to the relevant instrument under examination.

Manner of affixing seal of EC initial verification

4. The seal of EC initial verification affixed in accordance with an authorisation under regulation 9(2) above shall be affixed in such a manner as to ensure that it will be impossible to gain access to the internal working parts of the relevant instrument without breaking the seal.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the Measuring Instruments (EEC Requirements) (Electrical Energy Meters) Regulations 1980 (“the 1980 Regulations”), which they revoke.

Like the 1980 Regulations, they implement the obligations of the United Kingdom under Council Directive No. [76/891/EEC](#) (O.J. No. L336, 4.12.1976, p.30) (“the 1976 Directive”), as now amended by Commission Directive No. [82/621/EEC](#) (O.J. No. L252, 27.8.1982, p.1) and by Protocol 1 and Part IX of Annex II to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cm. 2073, European Communities No. 7 (1992) and O.J. No. L1, 3.1.1994, p.1) (“the EEA Agreement”), as itself amended by the Protocol adjusting that Agreement signed at Brussels on 17th March 1993 (Cm. 2183, European Communities No. 2 (1993) and O.J. No. L1, 3.1.1994, p.572). The 1976 Directive makes provision in relation to the technical requirements for the design and functioning of electrical energy meters for the purpose of EEC type (pattern) approval and EEC initial verification granted in accordance with Council Directive No. [71/316/EEC](#) (O.J. No. L202, 6.9.1971, p.1) (“the 1971 Directive”), as amended. (Measures amending the 1971 Directive are Council Directives No. [72/427/EEC](#) (O.J. No. L291, 28.12.1972, p.156), No. [83/575/EEC](#) (O.J. No. L332, 28.11.1983, p.43), No. [87/354/EEC](#) (O.J. No. L192, 11.7.1987, p.43), No. [87/355/EEC](#) (O.J. No. L192, p.46) and No. [88/665/EEC](#) (O.J. No. L382, 31.12.1988, p.42); Protocol 1 and Part IX of Annex II to the EEA Agreement; and the successive Acts of Accession to the European Communities referred to in paragraph 1 of Part IX of Annex II to the EEA Agreement).

The 1971 Directive, which makes provision in relation to measuring instruments generally and methods of metrological control, prohibits national restrictions on the placing on the market or entry into service of measuring instruments bearing the mark certifying EEC initial verification or the sign certifying EEC pattern approval, and requires the same value to be attached to EEC pattern approval and EEC initial verification as to the corresponding national measures.

These Regulations modify the effect of the Electricity Act 1989 (“the Act”) and the Electricity (Northern Ireland) Order 1992 (“the Northern Ireland Order”), which on their face prohibit the use of a meter unless the meter (i) is of an approved pattern or construction and is certified as such, (ii)

is certified as conforming to certain standards prescribed by regulations and (iii) is installed in an approved manner. These Regulations deem a meter which is of a pattern in respect of which an EC pattern approval has been granted to be of an approved pattern or construction. (These Regulations use the term “EC”, in substitution to “EEC”, for consistency with paragraph A of Article G of the Treaty on European Union). They also deem a meter which bears the mark of EC initial verification to be certified as required.

The effect is to ensure that, for the purposes of Schedule 7 to the Act or to the Northern Ireland Order, instruments bearing the mark of EC initial verification are treated in the same way as instruments certified under the Act or the Northern Ireland Order, and that instruments of a pattern in respect of which an EC pattern approval has been granted are treated in the same way as instruments of a pattern approved by or under regulations made under the Act or the Northern Ireland Order.

In doing so, these Regulations continue (and clarify) the effect of the 1980 Regulations, in relation to meters of a pattern in respect of which an EC pattern approval has been granted or which bear the mark of EC initial verification, in so far as the 1980 Regulations disapplied corresponding restrictions on their use which were contained in legislation now repealed, and (by virtue of section 17(2)(a) of the Interpretation Act 1978 (c. 30)), following such repeal, also disapplied such restrictions contained in those provisions of the Act and the Northern Ireland Order which re-enacted the former provisions with modifications.

These Regulations also apply, with modifications, certain provisions of the Measuring Instruments (EEC Requirements) Regulations 1988 (“the 1988 Regulations”), which implement the 1971 Directive. (The provisions of a predecessor of the 1988 Regulations were applied in relation to electrical energy meters, with modifications, by the 1980 Regulations, which these Regulations replace. Insofar as those provisions were re-enacted by the 1988 Regulations, the re-enacted provisions were also applied by the 1980 Regulations, by virtue of sections 17(2)(a) and 23(1) of the Interpretation Act 1978).

The modifications made by these Regulations include, in particular, provision transferring the power to grant EC pattern approvals in respect of electrical energy meters from the Secretary of State to the Director General of Electricity Supply or the Director General of Electricity Supply for Northern Ireland, as the case may be (“the Director General”).

These Regulations also make provision corresponding to certain other provisions of the 1988 Regulations, again with certain modifications. In these cases, for reasons of clarity, these Regulations do not operate by applying the provisions of the 1988 Regulations by reference and with modifications: instead fresh but analogous provision is made. The power to give directions as to the manner in which an application for EC initial verification is to be made is transferred from the Secretary of State to the Director General.

These Regulations also confer on the Director General power to charge fees in respect of the costs incurred by him for the purpose of the examination of patterns submitted for EC pattern approval and meters submitted for EC initial verification.