
STATUTORY INSTRUMENTS

1995 No. 428

The Non-automatic Weighing Machines and Non-automatic Weighing Instruments (Amendment) Regulations 1995

Amendment of the Weighing Equipment (Non-automatic Weighing Machines) Regulations 1988

2.—(1) The Weighing Equipment (Non-automatic Weighing Machines) Regulations 1988⁽¹⁾ (in this regulation referred to as “the principal Regulations”) shall have effect as amended by the following provisions of this regulation.

(2) The principal Regulations are hereby further amended, in regulation 4, by the substitution for paragraph (1) of the following paragraphs—

“(1) A non-automatic weighing machine marked with a weighing range may be used for trade for determining the weight of any item by ascertaining the difference between two weights (both of which fall within the weighing range), that is to say, the weight of that item and another item or items and the weight of that other or those other items only.

(1A) Where a non-automatic weighing machine is marked with a weighing range, save in accordance with paragraph (1) above, no person shall use that machine for trade for determining a weight outside that range in relation—

- (a) to, or to articles made from, gold, silver or other precious metals, including gold or silver thread or fringe;
- (b) to precious stones or pearls; or
- (c) to drugs or other pharmaceutical products.”,

by the omission of paragraph (2) and, in paragraph (5), by the substitution for sub-paragraphs (a) to (c) of the following sub-paragraphs—

- “(a) in, or in articles made from, gold, silver or other precious metals, including gold or silver thread or fringe;
- (b) in precious stones or pearls.”.

(3) The principal Regulations are hereby further amended by the addition in Part IV, after regulation 34, of the following regulation—

“Non-automatic weighing machines imported from another member State or an EEA State

34A.—(1) In relation to any non-automatic weighing machine imported into Great Britain from another member State or from an EEA State, subject to paragraph (4) below, an inspector shall not carry out any test in accordance with these Regulations if, together with the machine being imported, he is presented with the requisite documentation.

(2) In this regulation and in regulation 37(5) below—

- (a) “requisite documentation” means—

⁽¹⁾ S.I. 1988/876 as amended by S.I. 1988/2120, S.I. 1991/2019, S.I. 1992/3037 and S.I. 1994/1851.

- (i) the test report of an approved body that the machine which is the subject of that report has been tested on the same basis as those set out in these Regulations and stating which tests have been applied to it; and
 - (ii) the test results relating to those tests; and
- (b) “EEA State” means a State which is a Contracting Party to the EEA Agreement other than the United Kingdom but until the EEA Agreement comes into force in relation to Liechtenstein does not include the State of Liechtenstein; and in this paragraph “the EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993.
- (3) A body is an “approved body” for the purposes of this regulation if it is a body in a member State or in an EEA State which has the responsibility in that State for metrological control of non-automatic weighing machines or is a laboratory which has been accredited in a member State as being a body which conforms with the criteria set out in EN 45001(2).
- (4) Nothing in these Regulations shall prevent an inspector testing in accordance with the foregoing provisions of this Part of these Regulations where he is not satisfied—
- (a) as to the authenticity of the test report or the results presented to him; or
 - (b) that the test results presented to him are results which in fact relate to the machines being imported.”.
- (4) The principal Regulations are hereby further amended, in regulation 35, by the substitution for paragraph (2) of the following paragraph—
- “(2) In the case of a machine marked with an approved minimum load, the limits of error specified in Schedule 4 to these Regulations shall on and after 27th March 1995 apply for test loads of less than the amount of that load.”.
- (5) The principal Regulations are hereby further amended, in regulation 37,—
- (a) in paragraph (1), by the substitution for the words “paragraphs (2) to (4) below” of the words “paragraphs (2) to (5) below”; and
 - (b) by the addition after paragraph (4) of the following paragraph—
- “(5) In the case of any non-automatic weighing machine imported from another member State or an EEA State, it shall not be passed as fit for use for trade unless—
- (a) where the requisite documentation is presented in accordance with regulation 34A above, the test report recites and the test data confirm to the satisfaction of the inspector that on testing in the relevant member State it fell within the prescribed limits of error; and
 - (b) it complies with all the relevant requirements of these Regulations.”.

(2) EN 45001 is a European Standard which has the status of a British Standard; it is identical with BS 7501 (ISBN 0 580 17939 7), “General criteria for the operation of testing laboratories”.