
STATUTORY INSTRUMENTS

1996 No. 797

WEIGHTS AND MEASURES

The Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) (Amendment) Regulations 1996

<i>Made</i>	- - - -	<i>13th March 1996</i>
<i>Laid before Parliament</i>		<i>15th March 1996</i>
<i>Coming into force</i>	- -	<i>29th April 1996</i>

The Secretary of State, in exercise of the powers conferred on him by sections 11(1), (4) and (7), 15(1), 86(1) and 94(1) of the Weights and Measures Act 1985(1), hereby makes the following Regulations—

Citation and commencement

1. These Regulations may be cited as the Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) (Amendment) Regulations 1996 and shall come into force on 29th April 1996.

Amendment

2. The Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) Regulations 1986(2) (“the principal Regulations”) are hereby further amended, in regulation 2(1),—

(a) by the addition after the definition of “certificate of approval” of the following definition—

““Class”, in relation to a discontinuous totaliser, means the Class of accuracy specified in the first column of Table 2 in Schedule 3 to these Regulations which corresponds to the limits of error specified in the second and third columns of that Table;” and

(b) by the substitution for the definition of “totalisation scale interval” of the following definition—

““totalisation scale interval” means the value, expressed in units of mass, of the scale interval of the principal totalisation indicating device of the machine, that is

(1) 1985 c. 72; section 94(1) contains a definition of “prescribed”.
(2) S.I. 1986/1320 as amended by S.I. 1994/1851.

to say, the part of the machine which indicates the sum of all the loads weighed and discharged to bulk;”.

3. The principal Regulations are hereby further amended by the substitution for regulation 13 of the following regulation—

“13. Every automatic weighing machine shall be provided with either—

- (a) a plug or stud made of soft metal and made irremovable by undercutting, or
- (b) such sealing arrangements as may be contained in the certificate of approval or the notice of examination in respect of that pattern.”.

4. The principal Regulations are hereby further amended, in regulation 24, by renumbering as paragraph (1) and by the addition at the end of the following paragraph—

“(2) In the case of every discontinuous totaliser first passed as fit for use for trade on or after 29th April 1996, the totalisation scale interval shall fall within the range 0.01% to 0.2% of the maximum capacity.”.

5. The principal Regulations are hereby further amended, in regulation 25, by the substitution for sub-paragraphs (a) to (e) of the following sub-paragraphs—

- “(a) its Class;
- (b) the maximum capacity of the load receptor;
- (c) the minimum load for automatic operation;
- (d) the minimum totalised load; and
- (e) the totalisation scale interval.”.

6. The principal Regulations are hereby further amended, in regulation 26,—

- (a) by the omission of paragraphs (2) and (3); and
- (b) in paragraph (4), by the substitution for the words “paragraphs (1) and (2)” of the words “paragraph (1)”.

7. The principal Regulations are hereby further amended, in regulation 31,—

- (a) by the substitution for paragraph (1) of the following paragraph—

“31.—(1) No discontinuous totaliser shall be tested, passed as fit for use for trade and stamped unless either—

- (a) it has been completely erected ready for use and installed at the place where it is to be used, or
- (b) it has been completely erected ready for use in conditions which are in all material respects the same as those at the place where it is to be used and it is not to be dismantled before it is installed at that place.”; and

- (b) by the substitution in paragraph (3) for the words “such material” to the end of the paragraph of the words “a non-automatic weighing machine which meets the requirements of paragraph 5 in Part II of Schedule 2 to these Regulations and such material as the inspector may reasonably require; and any such machine and material so provided shall be returned to the person in question”.

8. The principal Regulations are hereby further amended by the addition in Part IV, after regulation 32, of the following regulation—

“Discontinuous totalisers imported from another member State or an EEA State

32A.—(1) In relation to discontinuous totalisers 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 the foregoing provisions of this Part of these Regulations if, together with the discontinuous totalisers being imported, he is presented with the requisite documentation.

(2) In this regulation and in regulation 34 below—

(a) “requisite documentation” means—

(i) the test report of an approved body that the discontinuous totalisers which are the subject of that report have been tested on the same basis as those set out in this Part of these Regulations and stating which tests have been applied to them; 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; 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 an EEA State which has the responsibility in that State for metrological control of discontinuous totalisers or is a laboratory which has been accredited in a member State or in an EEA State as being a body which conforms with the criteria set out in EN 45001⁽³⁾.

(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 discontinuous totalisers being imported; or

(c) that the discontinuous totalisers have not been dismantled after the tests to which the test report relates were carried out.”.

9. The principal Regulations are hereby further amended, in regulation 33, by the substitution for paragraph (2) of the following paragraphs—

“(2) In the case—

(a) of a discontinuous totaliser first passed as fit for use for trade on or after 29th April 1996, the prescribed limits of error relating to the several Classes specified in the first column in Table 2 in Schedule 3 to these Regulations shall be those respectively set out in the second and third columns of that Table; and

(b) of a discontinuous totaliser first passed as fit for use for trade before 29th April 1996, the prescribed limits of error shall be those so set out in relation to Class 1.

(3) For the purposes of the enforcement of these Regulations, a discontinuous totaliser which is marked in accordance with regulation 25 above as of a specified Class shall be treated as falling within that Class.”.

10. The principal Regulations are hereby further amended, in regulation 34, by the addition at the beginning of the words “(1) Subject to paragraph (2) below,” and by the addition at the end of the following paragraph—

(3) 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”.

“(2) A discontinuous totaliser imported from another member State or from an EEA State shall not be passed as fit for use for trade unless—

- (a) where the requisite documentation is presented in accordance with regulation 32A above, the test report recites and the test data confirm to the satisfaction of the inspector that on testing in accordance with the provisions of the law of a member State or an EEA State it fell within limits of error which afford in use an equivalent standard to the prescribed limits of error; and
- (b) it otherwise complies with all the relevant requirements of these Regulations; and
- (c) the inspector is of the opinion that it is not constructed in a manner which facilitates fraudulent use and that it does not bear any inscriptions which might cause confusion in use.”.

11. The principal Regulations are hereby further amended, in regulation 35, by the substitution for paragraph (1) of the following paragraph—

“**35.**—(1) The stamp shall be placed on the plug or stud referred to in sub-paragraph (a) of regulation 13 above or on any sealing device required by the arrangements referred to in sub-paragraph (b) of that regulation.”.

12. The principal Regulations are hereby further amended by the substitution for Schedule 2 of the following Schedule—

“SCHEDULE 2

Regulation 32(1)

DISCONTINUOUS TOTALISERS

PART I

TESTING— GENERAL REQUIREMENTS

1. Discontinuous totalisers provided with a display of totalised weight only (to which, accordingly, the requirements of regulations 9 and 24 do not apply) shall be subject to material testing in accordance with Part II of this Schedule.

2. Discontinuous totalisers which embody the facilities referred to in regulation 9 but not those referred to in regulation 24 shall be subject to the requirements of regulation 32(2) in addition to the provisions of Part II of this Schedule.

3. Discontinuous totalisers to which regulations 9 and 24 are applicable may be tested in accordance with the provisions of Part III of this Schedule.

4.—(1) Subject to sub-paragraph (2) below, when testing a discontinuous totaliser, an inspector shall satisfy himself that—

- (a) it is properly balanced or set to zero when unloaded;
- (b) any beam or leverwork has sufficient room for oscillation and returns to the position of equilibrium when the load is removed; and
- (c) any indicator returns to the zero mark or given point when the load is removed.

(2) Sub-paragraphs (1)(a) and (c) above shall not apply in the case of a discontinuous totaliser of a pattern in respect of which a certificate of approval is in force, if in the certificate of approval or the notice of examination in respect of that pattern it is described as not so constructed as to balance when unloaded.

5. Before commencing material testing of a discontinuous totaliser, the inspector shall satisfy himself that the arrangements (which may include the use of a non-automatic weighing machine or an internal non-automatic weighing facility) to be used for determining the weight of material used in the testing will give a weight determination of each test load (determined in one or more weighing operations) to an accuracy equal to or better than—

- (a) one-fifth of the prescribed limits of error for material testing; or
- (b) in a case where the accuracy of such arrangements is assessed immediately before use, one-third of such prescribed limits.

PART II

TESTING— USING A SEPARATE NON-AUTOMATIC WEIGHING MACHINE

6.—(1) The tests specified in sub-paragraphs (2), (3) and (4) below shall be carried out on a discontinuous totaliser under normal conditions of use.

(2) A minimum of three individual tests (including at least one at minimum load and at least one at maximum capacity) shall be carried out, each test involving the weighing of a quantity of suitable material as nearly as practicable equal to the minimum totalised load marked on the machine.

(3) In the case only of a discontinuous totaliser first passed as fit for use for trade before 29th April 1996, and if the person submitting it for testing so requests, the test at maximum capacity under sub-paragraph (2) above may be made with twenty separate loads and the words “as nearly as practicable equal to the minimum totalised load marked on the machine” in that sub-paragraph shall not have effect.

(4) Unless already included in the tests carried out under sub-paragraphs (2) and (3) above two further tests (which shall include at least five weighing cycles and a quantity of material not less than the minimum totalised load) shall be carried out, one at the minimum load and one at the maximum capacity.

(5) For each of the tests carried out under sub-paragraphs (2), (3) and (4) above, the inspector shall determine—

- (a) the weight of material used in the test using the arrangements referred to in paragraph 5 above;
- (b) the material testing error by ascertaining the difference between the weight of the material determined in accordance with sub-paragraph (a) above and the value of the weight of the material obtained from the totalisation indicating device.

PART III

TESTING—USING AN INTERNAL NON-AUTOMATIC WEIGHING FACILITY

7. Where a discontinuous totaliser is constructed with an internal non-automatic weighing facility complying with regulations 9 and 24(1)(a) the machine may be tested by the use of that facility if the facility has first been tested by standard weights to verify that the weight indicating device (if necessary, in conjunction with a calibration chart or graph prepared from the results) will provide the accuracy required for the purposes of paragraph 5 above in the range required for the purposes of paragraph 8 below.

8.—(1) After the machine has weighed and discharged suitable material for at least five separate fillings of the load receptor by the normal automatic process, the process shall be stopped with the load receptor empty; and the inspector shall—

- (a) ensure that the individual weight indicating device is set to zero or a given point; and
- (b) set the totalisation indicating device to zero or record the indicated total.

(2) The automatic process shall be restarted so that the load receptor is filled and automatically weighed; and before any material is discharged the process shall be interrupted and the inspector shall determine the individual weight value.

(3) The automatic process shall be restarted so that the load receptor is discharged and automatically weighed; and before any further material is supplied to the load receptor the process shall be interrupted and the inspector shall determine the individual weight value.

(4) From the weight values recorded in accordance with sub-paragraphs (2) and (3) above the inspector shall determine the true net weight of the material discharged taking account of any calibration chart or graph prepared for the purposes of paragraph 7 above.

(5) The inspector shall then—

- (a) determine the total true net weight of a number of separate loads in accordance with sub-paragraphs (2), (3) and (4) above to complete material tests as specified in sub-paragraphs (6), (7) and (8) below under normal conditions of use; and
- (b) record the indication of the totalised weight of material in each test.

(6) A minimum of three individual tests (including at least one at minimum load and at least one at maximum capacity) shall be carried out, each test involving the weighing of a quantity of suitable material as nearly as practicable equal to the minimum totalised load marked on the machine.

(7) In the case only of a discontinuous totaliser first passed as fit for use for trade before 29th April 1996 and if the person submitting it for testing so requests, the test at maximum capacity under sub-paragraph (6) above may be carried out with twenty separate loads and the words “as nearly as practicable equal to the minimum totalised load” in that sub-paragraph shall not have effect.

(8) Unless already included in the tests carried out under sub-paragraphs (6) and (7) above two further tests (which shall include at least five weighing cycles and a quantity of material not less than the minimum totalised load), shall be carried out, one at the minimum load and one at the maximum capacity.

(9) For each group of tests referred to in sub-paragraph (5)(a) above, the inspector shall determine the material test error by ascertaining the difference between the weight of material determined as required by that sub-paragraph and the value of the weight of material obtained from the totalisation indicating device in accordance with sub-paragraphs (1)(b) and (5)(b) above.”.

13. The principal Regulations are hereby further amended in Schedule 3, by the substitution for Table 2 of the following Table—

“DISCONTINUOUS
TOTALISERS

Table 2

Class of accuracy of discontinuous totaliser	Limits of error relative to weight of material used in tests	
	In relation to passing as fit for use for trade	In relation to obliteration of the stamp
Class 0.2	Plus or minus 0.1%	Plus or minus 0.2%
Class 0.5	Plus or minus 0.25%	Plus or minus 0.5%
Class 1	Plus or minus 0.5%	Plus or minus 1%
Class 2	Plus or minus 1%	Plus or minus 2%”

13th March 1995

John M Taylor
Parliamentary Under Secretary of State for
Competition and Consumer Affairs,
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the [Weighing Equipment \(Filling and Discontinuous Totalising Automatic Weighing Machines\) Regulations 1986 \(S.I. 1986 No. 1320, as amended by S.I. 1994 No. 1851\)](#).

In relation both to filling machines and discontinuous totalisers the Regulations make new provision relating to their sealing after testing (regulations 3 and 11).

The changes made by the Regulations in relation to discontinuous totalisers take account of International Recommendation R107 “Discontinuous totalizing automatic weighing instruments (totalizing hopper weighers)” issued by the International Organisation for Legal Metrology and available from the Organisation at 11 rue Turgot, Paris, 75009, France. The principal such changes are—

(1) provision is made for four classes of accuracy of discontinuous totalisers (Regulations 2(a), 5(a), 9 and 13);

(2) new provision is made for the subdivision of totalisation scale intervals of discontinuous totalisers (regulation 4);

(3) the requirement that a non-automatic weighing instrument shall be sited in the vicinity of, and available for use in conjunction with a discontinuous totaliser is omitted (regulation 6) but an inspector may require a person submitting a discontinuous totaliser for testing to provide such a machine (regulation 7(b)).

(4) new provision is made concerning the erection of discontinuous totalisers before testing (regulation 7(a));

(5) provision is made for the acceptance of tests for discontinuous totalisers imported from other member States of the European Union or contracting parties to the European Economic Area Agreement (regulations 8 and 10);

(6) the requirements relating to methods of testing of discontinuous totalisers are modified (regulation 12).

Copies of EN 45001 (BS 7501) referred to in regulation 8 may be obtained from any of the sales outlets operated by the British Standards Institution (BSI) or by post from BSI at Linford Wood, Milton Keynes MK14 6LE and at any HMSO bookshop.