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STATUTORY INSTRUMENTS

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**2000 No. 387**

**WEIGHTS AND MEASURES**

**The Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) (Amendment) Regulations 2000**

<i>Made</i>	- - - -	<i>15th February 2000</i>
<i>Laid before Parliament</i>		<i>17th February 2000</i>
<i>Coming into force</i>	- -	<i>17th March 2000</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 15(1) and 86(1) of the Weights and Measures Act 1985<sup>(1)</sup> and of all his other enabling powers, 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 2000 and shall come into force on 17th March 2000.

**Amendment of the Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) Regulations 1986**

2.—(1) The Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) Regulations 1986<sup>(2)</sup> shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 22(2), after the words “without having been dismantled”, there shall be added the following words—

“or is one where an inspector is satisfied that any dismantling and re-assembly or transportation of that filling machine to the position in which it is to be used could not, in his opinion, affect the accuracy or functioning of that filling machine.”.

(3) After regulation 23, the following regulation shall be inserted—

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(1) 1985 c. 72.

(2) S.I. 1986/1320, amended by S.I. 1994/1851, 1996/797.

**“Filling Machines imported from another member State or an EEA State**

**23A.**—(1) In relation to a filling 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 the foregoing provisions of this Part of these Regulations if, together with the filling machine 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 filling machine which is the subject of that report has been tested on the same basis as those set out in this Part of 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; 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 filling machines 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<sup>(3)</sup>.

(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 filling machine being imported; or
- (c) that the filling machine has not been dismantled after the tests to which the test report relates were carried out.”.

(4) In paragraph (3) of regulation 31, for the words “paragraph 5 in Part II of Schedule 2 to these Regulations” there shall be substituted the words “ paragraph 5 in Part I of Schedule 2 to these Regulations”.

(5) In paragraph (2) of regulation 34—

- (a) before the words “discontinuous totaliser” there shall be inserted the words “filling machine or”;
- (b) in sub-paragraph (a) for the words “regulation 32A above” there shall be substituted the words “regulation 23A or 32A above, as the case may be ”; and
- (c) sub-paragraph (c) shall be omitted.

15th February 2000

*Kim Howells,*  
Parliamentary Under-Secretary of State for  
Consumers and Corporate Affairs,  
Department of Trade and Industry

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(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”.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations further amend the Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) Regulations 1986 (S.I. 1986/1320) (“the 1986 Regulations”) (as amended by S.I. 1994/1851 and 1996/797).

2. Regulation 2 amends regulation 22(2) of the 1986 Regulations to provide an additional exception under which an inspector may test a filling machine notwithstanding the fact that the conditions for testing otherwise laid down are not met. This exception is where a dismantling and re-assembly or transportation of a “filling machine” could not, in the inspector’s opinion, affect the accuracy or functioning of that filling machine. A new regulation 23A is inserted in respect of filling machines imported from another member State or EEA State which provides that a filling machine shall not be tested by the inspector when an inspector is presented with the “requisite documentation” (as defined in paragraph (2)(a) of that regulation), unless he is not satisfied as regard to the information contained in the requisite documentation.

3. Various minor corrections and consequential amendments are made by regulations 2(4) and (5).

4. These Regulations have been notified to the European Commission and the other member States in accordance with Directive 98/34/EC of the European Parliament and of the Council (OJNo. L204, 21.7.98, p. 37), as amended by Directive 98/48/EC of the European Parliament and of the Council (OJ No. L217, 5.8.98, p. 18).

5. A Regulatory Impact Assessment in respect of these Regulations is available and a copy can be obtained from the National Weights and Measures Laboratory (an Executive Agency of the Department of Trade and Industry), Stanton Avenue, Teddington, TW11 0JZ. A copy has also been placed in the libraries of both Houses of Parliament.