
STATUTORY INSTRUMENTS

2000 No. 388

**The Weighing Equipment (Automatic Gravimetric
Filling Instruments) Regulations 2000**

PART II

GENERAL REQUIREMENTS FOR USE FOR TRADE

General duties for use for trade

5. No person shall use for trade a filling instrument unless—
- (a) it has been erected and installed in accordance with the requirements of Schedule 1;
 - (b) the requirements of Schedule 2 in respect of its use and manner of use are complied with; and
 - (c) in the case of a filling instrument of the description and maximum capacity set out, respectively, in columns 1 and 2 of Schedule 3, it is within the accuracy class specified for that filling instrument in column 3 of Schedule 3 or within an accuracy class of a higher level of precision than the specified class.

Requirements to be satisfied for passing as fit for use for trade

6. Every filling instrument shall, before it is passed as fit for use for trade,—
- (a) comply with a pattern in respect of which a certificate of approval remains in force at the time when such a filling instrument is so passed;
 - (b) have affixed to it the applicable descriptive markings relating to that filling instrument and have provision for a place for the application of the specified verification marks, in accordance with the requirements of Schedule 4; and
 - (c) subject to regulations 5(c) and 8, have successfully undergone initial verification testing and, as part of that testing, an accuracy class has been determined in respect of it: for the purposes of these Regulations, initial verification testing means testing of a filling instrument carried out by an inspector in accordance with the procedure specified in clause 5.3 (initial verification) of Part 1 of OIML R 61.

Supplementary requirements

7.—(1) Every filling instrument submitted for testing shall be completely assembled and in a clean condition.

(2) For the purposes of the performance by an inspector of his functions under the 1985 Act or these Regulations relating to inspection, testing, passing as fit for use for trade and stamping of any filling instrument, a person submitting such an instrument to an inspector or who an inspector has reasonable cause to believe has control of such an instrument for use for trade shall, if requested, provide for the inspector's use such material as the inspector may reasonably require and a control instrument: any material or control instrument so provided shall be returned to the person in question.

(3) A filling instrument, other than one which has been transported without having been dismantled, shall not be tested, passed as fit for use for trade and stamped unless it has been completely erected ready for use and, subject to paragraph (4), installed in the position in which it is to be used.

(4) Where an inspector is satisfied that any dismantling and re-assembly or transportation of a filling instrument to its intended place of use could not, in his opinion, affect the accuracy or functioning of that filling instrument, it may be examined, with a view to passing that filling instrument as fit for use for trade at a place other than the intended place of use, for the purposes of initial verification testing.

Filling Instruments imported from another EEA State

8.—(1) In relation to a filling instrument imported into Great Britain from another EEA State, subject to paragraph (4), an inspector shall not carry out any test relating to initial verification testing if, together with the filling instrument being imported, he is presented with the requisite documentation.

(2) In this regulation and regulation 9(2)—

(a) “requisite documentation” means—

(i) the test report, in the format set out in Part 2 of OIML R 61, of an approved body that the filling instrument which is the subject of that report has been tested on the same basis as the procedure specified in clause 5.3 (initial verification) of Part 1 of OIML R 61, 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 another EEA State which has the responsibility in that State for metrological control of filling instruments or is a laboratory which has been accredited in an EEA State as being a body which conforms with the criteria set out in EN 45001(1).

(4) Nothing in these Regulations shall prevent an inspector carrying out initial verification testing 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 instrument being imported; or

(c) subject to regulation 7(4), that the filling instrument has not been dismantled after the tests to which the test report relates were carried out.

(1) EN 45001 is a European Standard which has the status of a British Standard; it is identical with BS7501 (ISBN 0 580 17939 7), “General criteria for the operation of testing laboratories”.