

2001 No. 1229

WEIGHTS AND MEASURES

**The Measuring Equipment (Cold-water Meters)
(Amendment) Regulations 2001**

Made - - - - - *27th March 2001*

Laid before Parliament *28th March 2001*

Coming into force - - *28th September 2001*

The Secretary of State, in exercise of the powers conferred on him by sections 11(1) and (4), 15(1) and (2), 86(1) and 94(1) of the Weights and Measures Act 1985(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Measuring Equipment (Cold-water Meters) (Amendment) Regulations 2001 and shall come into force on 28th September 2001.

2. The Measuring Equipment (Cold-water Meters) Regulations 1988(b) (“the principal Regulations”) are hereby amended in accordance with the following provisions of these Regulations.

3. In regulation 2 of the principal Regulations, within the definition of “quality system”, for the words “BS 5750: Part 1: 1987 or BS 5750: Part 2: 1987” there shall be substituted the words “BS EN ISO 9001: 2000”(c).

4. In regulation 3 of the principal Regulations, for paragraphs (1) and (2) there shall be substituted the following paragraphs—

“3.—(1) These Regulations apply to measuring equipment installed—

(a) in England and Wales—

(i) on or after 1st August 1988, where the equipment is installed compulsorily by or at the behest of the supplier of the water; and

(ii) on or after 1st April 1989 in other cases; and

(b) in Scotland on or after 28th September 2001,

for use for trade for measuring any supply of water to domestic premises; and such equipment is hereby prescribed for the purposes of section 11(1) of the Act.

(2) In paragraph (1) above, “domestic premises” means premises which are used for the purposes of living accommodation and such premises shall be “domestic premises” notwithstanding the fact that the premises are used for other purposes as well as living accommodation.”.

5. In regulation 7 of the principal Regulations—

(a) in sub-paragraph 7(2)(d) for the words “clause 4.6 of BS 5750: Part 3: 1987” there shall be substituted the words “clause 7.6 of BS EN ISO 9001: 2000(d)”; and

(a) 1985 c. 72: section 94(1) contains a definition of “prescribed”.

(b) S.I. 1988/997.

(c) ISBN 0 580 36837 8 Quality management systems—Requirements. This is published by the British Standards Institution.

(d) ISBN 0 580 36837 8 Quality management systems—Requirements. This is published by the British Standards Institution.

(b) in paragraph 7(3)—

- (i) for the words “BS 6001: Part 1: 1972” there shall be substituted the words “BS 6001: Part 1: 1999(a)”; and
- (ii) for the words “BS 6001: Part 2: 1984” there shall be substituted the words “BS 6001: Part 2: 1993(b)”.

6. After regulation 7 of the principal Regulations there shall be inserted the following regulation—

“Cold-water meters imported from another member State or an EEA State

7A.—(1) In relation to a cold-water meter 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 these Regulations if, together with the cold-water meter being imported, he is presented with the requisite documentation.

(2) In this regulation and in regulation 8(1A) below—

(a) “requisite documentation” means—

- (i) the test report of an approved body that the cold-water meter which is the subject of that report has been tested on the same basis as that set out in these Regulations or on an equivalent basis 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 paragraph 2 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 cold-water meters or is a laboratory in a member State or in an EEA State which has been accredited in relation to cold-water meters as being a body which conforms with the criteria set out in EN 45001(c) or BS EN ISO 17025: 2000(d).

(4) Nothing in these Regulations shall prevent an inspector testing in accordance with the foregoing provisions 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 cold-water meter being imported; or
- (c) either—
 - (i) that the cold-water meter being imported has not been dismantled after the tests to which the test report relates were carried out, or
 - (ii) where the cold-water meter being imported has been dismantled after those tests were carried out, that any such dismantling is not likely to have affected its performance.”.

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- (a) ISBN 0 580 35934 4 Sampling procedures for inspection by attributes. Sampling schemes indexed by acceptance quality limit (AQL) for lot-by-lot inspection.
 - (b) ISBN 0 580 21906 2 Sampling procedures for inspection by attributes. Specification for sampling plans indexed by limiting quality (LQ) for isolated lot inspection, published by the British Standards Institution, second edition published in January 1993.
 - (c) 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”.
 - (d) ISBN 0 580 34929 2 General requirements for the competence of testing and calibration laboratories, published by the British Standards Institution.

7. In regulation 8 of the principal Regulations—
- (a) at the beginning there shall be inserted the following heading—
“**Passing as fit for use for trade**”;
 - (b) in paragraph (1), there shall be inserted at the beginning the words “Subject to paragraph (1A) below”; and
 - (c) after paragraph (1), there shall be inserted the following paragraph—
“(1A) A cold-water meter imported from another member State or 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 7A above, the test report recites and the test data confirm to the satisfaction of the inspector that on testing in the relevant State it fell within the prescribed limits of error; and
 - (b) it complies with all the relevant requirements of these Regulations.”.
8. In regulation 11(6) of the principal Regulations, for the words “or any day” to the end there shall be inserted the words “or,—
- (a) in England and Wales, any day which is a Bank Holiday in England and Wales under the Banking and Financial Dealings Act 1971(a); or
 - (b) in Scotland, any day which is a Bank Holiday in Scotland under that Act.”.

27th March 2001

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

(a) 1971 c. 80.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make the following amendments of substance to the Measuring Equipment (Cold-water Meters) Regulations 1988 which apply to cold-water meters for use for trade in the measuring of the supply of water for domestic purposes in England and Wales.

- (1) The Regulations are extended to Scotland (regulations 4 and 8).
- (2) The application of the Regulations is changed. They now apply to meters for the supply of cold water to domestic premises in place of its supply for domestic purposes (regulation 4).
- (3) References to British Standards have been updated (regulations 3 and 5).
- (4) Provision is made for dispensing with testing of cold-water meters imported from another State of the European Economic Area (regulations 6 and 7).

The British Standards referred to in regulations 3, 5 and 6 are available from any of the sales outlets operated by the British Standards Institution or from the British Standards Institution, Linford Wood, Milton Keynes MK14 6LE.

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

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