The Secretary of State, being a Minister designated(1) for the purpose of section 2(2) of the European Communities Act 1972(2) in relation to the regulation of specifications, construction, placing on the market and use of equipment intended for weighing, measuring or testing or purposes ancillary thereto, in exercise of the powers conferred by that section hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Measuring Instruments (EC Requirements) (Electrical Energy Meters) (Amendment) Regulations 2002 and shall come into force on 1st February 2003.

Interpretation

2. In these Regulations—

“the 1988 Regulations” means the Measuring Instruments (EEC Requirements) Regulations 1988(3);

“the 1995 Regulations” means the Measuring Instruments (EC Requirements) (Electrical Energy Meters) Regulations 1995(4);


Amendment of the 1995 Regulations

3. The 1995 Regulations are amended in accordance with the Schedule to these Regulations.

(1) S.I. 1975/427.
(2) 1972 c. 68.
(3) S.I. 1988/186.
(4) S.I. 1995/2607: references in the Regulations to “the Director” are, by section 3 of the Utilities Act 2000 (c. 27), to have effect as if they were references to the Gas and Electricity Marketing Authority established by section 1 of that Act.
Transitional

4. The amendments made by these Regulations shall have effect only in relation to applications made on or after the date on which these Regulations come into effect.

Brian Wilson
Minister of State for Energy and Construction
Department for Trade and Industry

12th December 2002
SCHEDULE

Regulation 3

1. In Regulation 2(1) (interpretation and extent),—
   (a) after the definition of “the Act”, insert—
       “(aa) “the Authority” means the Gas and Markets Authority
           established by section 1 of the Utilities Act 2000;
       (ab) “certified examination report” means a copy certified by a
           nominated laboratory as a true copy of the full report of the
           examination carried out by the laboratory for the purpose of
           establishing whether instruments of the pattern in question
           satisfy the measurement characteristics and technical design
           and functioning requirements laid down by the relevant
           Directive;”;
   (b) after the definition of “manufacturer”, insert—
       “(ja) “nominated laboratory” means a laboratory nominated by the
           Authority for the carrying out inspections in connection with
           EC pattern approval;”.

2. In Regulation 5 (application of provisions of the 1988 Regulations), in paragraph (1)(b), for
   “paragraph (4)” substitute “paragraphs (1), (2) and (4)”.  

3. After Regulation 5, insert—

   “EC pattern approval

   5A.—(1) Where any pattern of relevant instrument is submitted by the manufacturer or
       his authorised representative to the Authority for EC pattern approval, the Authority shall
       not grant that approval unless the application complies with the requirements of Regulation
       6 and either—

       (a) the application is accompanied by a certified examination report; or
       (b) the Authority has conducted or procured the conduct of an examination;

       and in either case the Authority is satisfied that the pattern conforms to the requirements
       of the relevant Directive.

       (2) Where EC pattern approval granted under these Regulations is in force in respect of a
       pattern of relevant instrument, if an application is made by a manufacturer or his authorised
       representative for approval of modifications or additions to the approved pattern, the
       Authority shall not grant that approval unless the application complies with the requirements
       of Regulation 6 and either—

       (a) the application is accompanied by a certified examination report; or
       (b) the Authority has conducted or procured the conduct of an examination;

       and in either case the Authority is satisfied that the pattern with the modifications or
       additions proposed conforms to the requirements of the relevant Directive.

       (3) The Authority shall not, unless requested to do so by the manufacturer or his
       authorised representative, conduct or procure the conduct of an examination for the purposes
       of paragraph (1) or (2), as the case may be, if, in that case—

       (a) a certified examination report has been submitted in support of the application for
           approval in accordance with regulation 4(1)(c); and
       (b) the Authority is satisfied—
(i) that the report of the nominated laboratory is sufficient and reliable for
the purpose of determining whether the pattern or, as the case may be,
the pattern with the modifications or additions proposed, conforms to the
requirements of the relevant Directive; and
(ii) on the basis of the report that the pattern or, as the case may be, the pattern
with the modifications or additions proposed, conforms to the requirements
of the relevant Directive.

(4) Where, on an application under paragraph (1) or (2), the Authority grants EC pattern
approval, it shall issue a certificate of that approval.”

4. For Regulation 10, substitute—

“Fees

10.—(1) In a case in which EC pattern approval has been given on the basis of the
certified examination report of a nominated laboratory alone, the Authority may charge such
reasonable fee as it may determine in respect of the cost of satisfying itself that the pattern
or, as the case may be, the pattern with the modifications and additions proposed, conforms
to the requirements of the relevant Directive.

(2) In a case in which EC pattern approval is given or refused following an examination
conducted by or procured by the Authority, the Authority may charge such reasonable fee
as it may determine in respect of the costs to the Authority of conducting or procuring
the examination and of determining whether the pattern or, as the case may be, the pattern
with the modifications and additions proposed, conforms to the requirements of the relevant
Directive.

(3) In the case of any relevant instrument submitted for EC initial verification to a meter
examiner employed by the Authority, the Authority may charge such reasonable fee as it
may determine in respect of the costs to the Authority of carrying out or procuring such
examination or enquiry as may be required for the meter examiner to satisfy himself as to
the matters in regulation 9(2).”

5. In Schedule 1, after paragraph 5, add—

“6. If an examination of the pattern or, as the case may be, the modifications or additions
proposed to a pattern in respect of which EC pattern approval is in force, has been conducted by
a nominated laboratory, a certified examination report.”

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Measuring Instruments (EC Requirements) (Electrical Energy Meters)
Regulations 1995 (“the 1995 Regulations”).
The 1995 Regulations implement the obligations of the United Kingdom under Council Directive


The 1971 Directive, which makes provision in relation to measuring instruments generally and methods of metrological control, prohibits national restrictions on the placing on the market or entry into service of measuring instruments bearing the mark certifying EEC initial verification or the sign certifying EEC pattern approval, and requires the same value to be attached to EEC pattern approval and EEC initial verification as to the corresponding national measures.

The principal effect of the amendments is to provide that the Gas and Electricity Markets Authority (“the Authority”) shall not, unless asked to do so by a person submitting a meter for EC pattern approval, carry out examinations on a meter submitted for approval if the report of a nominated laboratory on the meter enables the Authority to conclude that the pattern conforms to the requirements of the relevant EC Directive. The amendments also enable the Authority to use the services of a nominated laboratory in carrying out its functions under the 1995 Regulations.

The way in which fees are charged for pattern approval and initial verification also changes for submissions made on or after the date on which these Regulations come into force to allow the Authority to recover the costs of using external resources in the carrying out of its functions.

A Regulatory Impact Assessment for this Instrument has been prepared and copies can be obtained from Ofgem, 9 Millbank, London, SWIP 3GE. A copy of the Regulatory Impact Assessment has been placed in the library of both Houses of Parliament.