
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Directive [2004/22/EC](#) of the European Parliament and of the Council on measuring instruments (OJNo. L135, 30.4.04, p.1) (“the Directive”) in relation to automatic rail-weighbridges.

Part I provides that these Regulations apply, with certain exceptions, to automatic rail-weighbridges for use for trade, which are first placed on the market or put into use on or after the 30th October 2006.

Part II deals with the requirements for placing on the market and putting into use. These are that automatic rail-weighbridges are compliant with the essential requirements, that the manufacturers have demonstrated such compliance with the essential requirements and that automatic rail-weighbridges have the CE marking, the M marking, and identification number of the relevant notified body affixed to them (regulation 4(1)). It is an offence under regulation 4(2) to place on the market or put into use an automatic rail-weighbridge without complying with the requirements of regulation 4(1). The essential requirements are set out in Schedule 1. Compliance with the essential requirements can be demonstrated in accordance with the provisions in regulation 5. Regulation 6 sets out the different conformity assessment procedures available to a manufacturer to demonstrate compliance. The technical documentation required is set out in Schedule 3.

Regulations 7 to 11 and Schedule 2 contain provisions relating to the eligibility and designation of persons as notified bodies and with the administrative procedures relating to their appointment, functions and fees. Requirements relating to the marking of automatic rail-weighbridges are set out in regulation 12 and Schedule 4. Regulation 13 provides for a presumption of conformity of an automatic rail-weighbridge with other applicable directives conferred by the CE marking.

Part III of these Regulations deals with requirements relating to the use for trade of automatic rail-weighbridges (regulations 14 to 17) pursuant to section 15(1) of the Weights and Measures Act 1985. Failure to comply with these requirements is an offence under section 15(3) of that Act.

Part IV deals with enforcement of these Regulations. Regulation 18 provides that the Regulations shall be enforced by every local weights and measures authority within its area; the Secretary of State may act as an enforcement authority in relation to Part II and for that purpose may appoint any person to act on his behalf. Regulation 19 (compliance notice procedure) and regulation 20 (immediate enforcement action) confer powers on the enforcement authorities to take action in respect of non-compliant automatic rail-weighbridges. Regulation 21 permits a review by the Secretary of State of notices issued by other enforcement authorities under regulations 19 and 20. Regulation 22 provides for disqualification of automatic rail-weighbridges and it is an offence to use an automatic rail-weighbridge which has been disqualified unless it has been re-qualified in accordance with regulation 23. Regulation 24 provides for the testing of automatic rail-weighbridges by an inspector otherwise than for the purposes of re-qualification.

Regulation 25 details the offences relating to the unauthorised application of authorised marks. Regulation 26 provides powers of entry and inspection for enforcement officers. Regulation 27 provides for offences relating to the obstruction of an enforcement officer. A person guilty of an offence under Part II or Part IV is liable on summary conviction to a fine not exceeding level 5 on the standard scale (which is currently £5,000) (regulation 28). A defence of due diligence in relation to any offence under these Regulations is provided for in regulation 29 and the liability of persons other than the principal offender is set out in regulation 30.

Status: This is the original version (as it was originally made).

Part V (regulations 31 to 33) deals with miscellaneous matters including the application of the Regulations to Northern Ireland to the extent set out in Schedule 5 (regulation 33).

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 (OJ No. 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).

A Regulatory Impact Assessment (RIA) in respect of these Regulations is available and a copy can be obtained from the National Weights and Measures Laboratory (NWML), Stanton Avenue, Teddington, Middlesex TW11 OJZ or from its website at www.nwml.gov.uk. As these Regulations transpose the Directive, a transposition note (TN) setting out how the Government has transposed the Directive in the United Kingdom has been prepared. Copies of the RIA and TN are available from NWML as above. Copies of these documents have been placed in the libraries of both Houses of Parliament.