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**STATUTORY INSTRUMENTS**

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**1980 No. 886****ELECTRICITY****The Measuring Instruments (EEC Requirements) (Electrical Energy Meters) Regulations 1980**

<i>Made</i>	- - -	<i>25th June, 1980</i>
<i>Laid before Parliament</i>		<i>30th June, 1980</i>
<i>Coming into Operation</i>		<i>22nd July, 1980</i>

The Secretary of State, being a Minister designated<sup>(a)</sup> for the purpose of section 2(2) of the European Communities Act 1972<sup>(b)</sup> in relation to the regulation of specifications, construction, placing on the market and use of equipment intended for weighing, measuring or testing or for purposes ancillary thereto, in exercise of the powers conferred by that section and of all other powers in that behalf enabling him, hereby makes the following regulations:—

1. These regulations may be cited as the Measuring Instruments (EEC Requirements) (Electrical Energy Meters) Regulations 1980 and shall come into operation on 22nd July 1980.

2. The Measuring Instruments (EEC Requirements) Regulations 1975<sup>(c)</sup> shall apply to electrical energy meters to which Council Directive No. 76/891/EEC on the approximation of the laws of the Member States relating to electrical energy meters<sup>(d)</sup> applies, subject to the modifications specified in the Schedule to these Regulations.

*Norman Lamont,*  
Parliamentary Under-Secretary of State,  
Department of Energy.

25th June 1980.

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(a) S.I. 1972/1811; 1975/427, 1707.

(b) 1972 c. 68.

(c) S.I. 1975/1173; relevant amendments were made by S.I. 1977/27, 1978/25.

(d) O.J. No. L336, 4.12.1976, p.30.

## SCHEDULE

## MODIFICATIONS TO THE MEASURING INSTRUMENTS (EEC REQUIREMENTS) REGULATIONS 1975, AS AMENDED

1. Regulation 3 shall have no effect.
2. In regulation 4 (interpretation and extent) —
  - (1) In paragraph (1) the following definitions shall be inserted after that of “the Directive on continuous totalling weighing machines”—

“ ‘the Directive on electrical energy meters’ means Council Directive No. 76/891/EEC(a);

‘electricity meter examiner’ means a meter examiner appointed under section 1(1) of the Electricity Supply (Meters) Act 1936(b) or Article 34(1) of the Electricity Supply (Northern Ireland) Order 1972(c) ”.
  - (2) In paragraph (2), for the words from “means” to the end of the paragraph there shall be substituted the words “means the Directive on electrical energy meters”.
  - (3) In paragraph 4, the words from the beginning of the paragraph to “hereto” shall have no effect.
3. For regulation 5 (exemption of instruments bearing certain EEC signs and marks from legal restrictions in the United Kingdom), there shall be substituted the following regulation—

“5. Nothing in section 49 of the Schedule to the Electric Lighting (Clauses) Act 1899(d) (as incorporated in the Electricity Act 1947(e) or in paragraph 14(1) of Schedule 3 to the Electricity Supply (Northern Ireland) Order 1972 (amount of electrical energy supplied to be ascertained by certified meter) or in section 30(5) or (6) of the Electricity Act 1957(f) (installation and use of certified meters) shall restrict the installation or use in Great Britain or Northern Ireland respectively of any instrument which bears the mark of EEC initial verification for ascertaining the amount of electrical energy supplied, provided that the mark was affixed in the same calendar year as that in which the meter is installed or in the calendar year immediately preceding that year and remains undefaced otherwise than by reason of fair wear and tear.”
4. For paragraph (2) of regulation 6 (provision for EEC pattern approval and initial verification), there shall be substituted the following paragraph—

“(2) The Directive on electrical energy meters provides for both pattern approval and initial verification.”
5. Regulations 7(4) and 11(3) (publication of EEC pattern approval and notice of revocation of such approval) shall have no effect.

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(a) O.J. No. L336, 4.12. 1976 p.30.

(b) 1936 c.20.

(c) S.I. 1972/1072 (N.I. 9).

(d) 1899 c. 19.

(e) 1947 c. 54.

(f) 1957 c. 48.

6. For regulation 13 (EEC initial verification) there shall be substituted the following regulation—

“13. (1) An application for consideration of any instrument of a category to which the Directive on electrical energy meters applies for EEC initial verification shall be made to an electricity meter examiner in such manner as the Secretary of State or, as respects an application made in Northern Ireland, the Department of Commerce may direct.

(2) The electricity meter examiner shall determine whether an EEC pattern approval is in force in respect of the instrument and, if so, whether it conforms to the approved pattern; and where he is satisfied—

(a) that the instrument conforms to the requirements of the Directive on electrical energy meters; and

(b) that an EEC pattern approval is in force in respect of the instrument and that the instrument conforms to the approved pattern,

he shall affix or authorise to be affixed to the instrument the United Kingdom mark of the EEC initial verification, and shall at the same time apply or authorise the application of the seals required by that Directive to be applied in connection with initial verification;

Provided that, in applying the accuracy tests referred to in paragraph 7.1.3.5 of the Annex to the Directive on electrical energy meters, the following Table and Notes shall, where the application is made before 9th May 1982, be substituted for Table VI in that paragraph and the Notes to that Table—

TABLE

Test No.	Current Value	Power Factor	Meters	Load of polyphase meters	Maximum Permissible Error
5	$0.05I_b$	1	Single phase and polyphase	Balanced	(a) +2.5% -3.5% (b) +2.5% -3.0%
6	$I_b$	1	„	„	$\pm 2.5\%$
7	$I_b$	0.5 inductive	„	„	$\pm 2.5\%$
8 and 9	$I_b$	1	polyphase	1 phase loaded (1 test in 2 of the phases)	+2.5% -3.5%
10	$I_{max}$	1	single phase and polyphase	Balanced	$\pm 2.5\%$

## NOTES

- (a) For Test No. 5, the Maximum Permissible Error specified at (a) in the last column of the above table applies for meters the maximum current of which is more than four times the basic current, and the Maximum Permissible Error specified at (b) in that column applies for all other meters.

- (b) Test No. 5 on meters with multiple tariffs shall be repeated for each reading corresponding to a different tariff. The tariff-adjusting electro-magnet(s) shall be supplied with electricity in accordance with the specifications in the connection diagram.
  - (c) The permissible error limits may not be systematically utilized in the same direction.
  - (3) If the electricity meter examiner refuses to affix or authorise to be affixed any EEC mark he shall give the applicant a statement in writing of his reasons for refusal.
  - (4) Each electrical meter examiner shall keep a record of all tests and examinations carried out by him under this regulation.
  - (5) Schedule 3 to these regulations shall apply for regulating the conduct in the United Kingdom of EEC initial verification in relation to instruments of a category to which the Directive on electrical energy meters applies."
7. For Part IV of the regulations (supplementary provisions) there shall be substituted the following Part—

"PART IV

SUPPLEMENTARY AND CONSEQUENTIAL PROVISIONS

*Effect of revocation of EEC pattern approval*

"14. (1) Where—

- (a) the Secretary of State revokes an EEC pattern approval relating to instruments of a category to which the Directive on electrical energy meters applies; or
- (b) it appears to the Secretary of State that any such pattern approval has been revoked by any Member State other than the United Kingdom,

the Secretary of State shall publish in the London Gazette, the Edinburgh Gazette and the Belfast Gazette a notice requiring all instruments of the pattern in question used for the purpose of ascertaining the amount of electrical energy supplied to any person in England and Wales, Scotland and Northern Ireland respectively to be removed as soon as practicable and in any event within a period of six months beginning with the date of the notice; and if after the end of that period any person supplies electrical energy through such an instrument he shall be guilty of an offence.

(2) For the purposes of this regulation, where a person to whom electrical energy has been supplied provides a supply of that electrical energy to a third person through an instrument of a category to which the Directive on electrical energy meters applies, he, and not the person supplying the electrical energy to him, shall be deemed to supply electrical energy through the instrument.

(3) A notice under this regulation shall give particulars of the pattern to which it relates and shall include a statement of the grounds for the publication of the notice.

*“Instruments of defective pattern*

“15. (1) Where the Secretary of State is satisfied that instruments of a category to which the Directive on electrical energy meters applies, constructed according to a pattern in respect of which an EEC pattern approval granted by a Member State other than the United Kingdom is in force, reveal in service a defect of a general nature which makes them unsuitable for their intended use, he shall publish in the London Gazette, the Edinburgh Gazette and the Belfast Gazette a notice requiring all instruments of the pattern in question used for the purposes of ascertaining the amount of electrical energy supplied to any person in England and Wales, Scotland and Northern Ireland respectively to be removed as soon as practicable and in any event within a period of six months beginning with the date of the notice; and if after the end of that period any person supplies electrical energy through such an instrument he shall be guilty of an offence.

(2) A notice under this regulation shall give particulars of the pattern to which it relates and shall include a statement of the grounds for the publication of the notice.

(3) Paragraph (2) of Regulation 14 above shall apply for the purposes of this Regulation as it applies for the purposes of that Regulation.

(4) The Secretary of State may at any time withdraw a notice under this regulation by publishing a notice of withdrawal in the London, Edinburgh and Belfast Gazettes.

*Unauthorised application of EEC signs and Marks, etc.*

“16. (1) Subject to paragraph (2) below, any person who, in the case of an instrument of a category to which the Directive on electrical energy matters applies—

(a) not being an electricity meter examiner or person acting under the authority of an electricity meter examiner, marks in any manner any plug, seal or plate used or designed for use for the reception of any EEC mark, or

(b) not being a manufacturer authorised or required to do so under any provision of these regulations, or the duly authorised agent of any such manufacturer, marks any such instrument with any EEC sign; or

(c) forges, counterfeits or, except pursuant to a duty imposed on an electricity meter examiner, in any way alters or defaces any EEC sign or mark; or

(d) removes any EEC sign or mark and inserts it into any other measuring instrument; or

(e) makes any alteration in the instrument after any EEC sign or mark has been applied to it in accordance with these regulations, so that it no longer complies with the requirements of the relevant Directive;

shall be guilty of an offence.

(2) A person shall not be guilty of an offence under paragraph (1) above by reason solely of the destruction or obliteration of any sign, mark, plug, seal or plate in the course of the adjustment or repair of any instrument of a category to which the Directive on electrical energy meters applies by, or by the duly authorised agent of, a person who is a manufacturer of, or regularly engaged in the business of repairing, such instruments.

- (3) Any person who supplies electricity through any instrument of a category to which the Directive on electrical energy meters applies which to his knowledge—
- (a) bears any EEC sign or mark which is a forgery or counterfeit, or which has been transferred from another instrument, or which has been altered or defaced otherwise than as permitted by virtue of paragraph (2) above; or
  - (b) does not comply with the requirements of the Directive on electrical energy meters by reason of any alteration made in it after any EEC sign or mark was applied to it in accordance with these regulations;
- shall be guilty of an offence.

*Offences by corporations*

“17. (1) Where an offence under any provision of these regulations which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and penalised accordingly.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

*Penalties*

“18. (1) Any person guilty of an offence under regulation 16 above shall be liable on summary conviction to a fine not exceeding £200.

(2) Any person guilty of an offence under any other provision of these regulations shall be liable on summary conviction to a fine not exceeding £50.

*Consequential provisions*

“19. (1) In the Schedule to the Electric Lighting (Clauses) Act 1899<sup>(a)</sup>, references in section 52 to an appropriate meter, in section 57 to any meter, in section 58 to a certified meter and in section 59 to a meter of some construction and pattern approved by the Secretary of State shall be construed as including references to a meter bearing the mark of EEC initial verification; and in sections 54(2) and 56 of that Schedule the references to procuring a meter to be again duly certified and to re-certifying a meter shall, where the meter in question has not previously been certified under that Schedule, be construed as references to procuring the meter to be duly certified and to certifying the meter.

(2) The power of the Secretary of State under section 30(1) of the Electricity Act 1957<sup>(b)</sup> to make provision by order with regard to the certification of meters under the provisions of the Schedule to the Electric Lighting (Clauses) Act 1899 shall include a power to prohibit, by order under that subsection, the installation or use by an Electricity Board, for the purpose of ascertaining

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(a) 1899 c. 19. (b) 1957 c. 48.

“the amount of electrical energy supplied, of any class of instruments of a category to which the Directive on electrical energy meters applies where the instrument in question bears the mark of EEC initial verification and—

- (a) any alteration has been made in that instrument since that mark was affixed other than an alteration permitted by order under section 30(1)(c) of the Electricity Act 1957 in relation to a certified meter;
- (b) the instrument is moved in circumstances specified in the order, being circumstances specified in an order under section 30(1)(d) of the Electricity Act 1957 in relation to a certified meter; or
- (c) the verification mark has been affixed to the instrument for a period longer than the period specified in the order in relation to that class of instruments provided that no period of less than two years shall be so specified;

and subsection (6) of the said section 30 shall apply in relation to an instrument the installation or use of which has been prohibited by such an order as it applies in relation to a meter which has ceased to be certified under the provisions of the said Schedule, the reference to re-certification being construed, where the meter has not previously been certified, as a reference to certification.

“20. Nothing in section 1 of the Trade Descriptions Act 1972(a) shall require a United Kingdom name or mark (as therein defined) applied to any electrical energy meter bearing the EEC type approval sign and the mark of EEC initial verification to be accompanied by an indication of the country in which the meter was manufactured if the United Kingdom name or mark is the name or trade mark of the manufacturer.”

8. Paragraph 1 of Schedule 3 shall have effect as if the reference to an inspector were a reference to an electricity meter examiner; and the following paragraphs shall be substituted for paragraphs 2, 3 and 4 of that Schedule—

*“Stage of EEC initial verification*

“2. EEC initial verification of any instrument of a category to which the Directive on electrical energy meters applies shall be carried out in one stage; and the electricity meter examiner carrying out such initial verification shall comply with the requirements of that Directive as to the manner in which initial verification of instruments of the category to which it applies shall be conducted.

*“Place of EEC initial verification*

“3. (1) The examination for EEC initial verification shall be carried out at a place chosen by the electricity meter examiner dealing with the application.

(2) An electricity meter examiner carrying out any examination for the purposes of EEC initial verification may require the applicant to provide such facilities and assistance as appear to him to be necessary for carrying out the examination, and may also require the applicant to provide him with a copy of any certificate of EEC pattern approval, and any documents annexed thereto, which relates to the instrument under examination.

*"Application of EEC marks*

"4. (1) The mark to be affixed in accordance with regulation 13 above shall be the mark of EEC initial verification.

(2) An electricity meter examiner shall comply with the requirements of the Directive on electrical energy meters as to the place where any EEC mark is to be affixed to any instrument and as to the manner in which any such mark is to be affixed."

9. Schedules 4 and 5 shall have no effect.

## EXPLANATORY NOTE

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

These Regulations apply the Measuring Instruments (EEC Requirements) Regulations 1975, with modifications, to electrical energy meters to which Council Directive No. 76/891/EEC applies. They implement the obligations of the United Kingdom under that Directive and under Council Directive No. 71/316/EEC (O.J. No. L202, 6.9.1971, p.1 (O.J./S.E. 1971 (II), p.707)), as amended (Council Directive No. 72/427/EEC, O.J. No. L291, 28.12.1972, p.156 (O.J./S.E. 1972 28-30 Dec., p.71)), which makes general provisions in relation to measuring instruments and methods of metrological control.

The principal modifications to the 1975 Regulations are as follows—

- (1) The substitution for Regulation 5 of a Regulation providing that the existing restrictions on the installation and use of electricity meters which have not been certified by a meter examiner under section 50 of the Schedule to the Electric Lighting (Clauses) Act 1899 or, in Northern Ireland, Article 34 of the Electricity Supply (Northern Ireland) Order 1972, shall not restrict the installation or use of meters bearing the mark of EEC initial verification.
- (2) The substitution for Regulation 13 of a Regulation providing for EEC initial verification of electrical energy meters by electricity meter examiners. The limits of permissible error laid down in the Annex to Council Directive No. 76/891/EEC are modified by this Regulation, as permitted by Article 3 of the Directive, to correspond with the limits applicable in the United Kingdom in relation to certified meters.
- (3) The substitution for Part IV of supplementary provisions in respect of electrical energy meters, including provisions—
  - (a) for the removal of meters where EEC pattern approval has been revoked or defects of a general nature are revealed and making use thereof after a specified period an offence (Regulations 14 and 15);
  - (b) making unauthorised application of EEC signs and marks an offence (Regulation 16);
  - (c) relating to offences by corporations and prescribing penalties (Regulations 17 and 18);
  - (d) extending the power of the Secretary of State under section 30(1) of the Electricity Act 1957 to make provision by order in relation to certified meters to enable him to make similar provisions, carrying similar penalties, in relation to meters bearing the mark of EEC initial verification (Regulation 19);
  - (e) excluding the application of section 1 of the Trade Descriptions Act 1972 in relation to names and trade marks on such meters (Regulation 20).