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STATUTORY INSTRUMENTS

1986 No. 1320

WEIGHTS AND MEASURES

The Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) Regulations 1986

| | | |
|-------------------------------|---------|---------------------------|
| <i>Made</i> | - - - - | <i>25th July 1986</i> |
| <i>Laid before Parliament</i> | | <i>8th August 1986</i> |
| <i>Coming into Operation</i> | | <i>1st September 1986</i> |

The Secretary of State, in exercise of the powers conferred by sections 11(1), (4) and (7), 12(12), 15(1), 86(1) and 94(1) of the Weights and Measures Act 1985 and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

PART I GENERAL

Citation and commencement

1. These Regulations may be cited as the Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) Regulations 1986 and shall come into operation on 1st September 1986.

Commencement Information

11 [Reg. 1](#) in force at 1.9.1986, see [reg. 1](#)

Interpretation

2.—(1) In these Regulations—

“the Act” means the Weights and Measures Act 1985;

“analogue” means capable of assigning any value or position within a continuous range;

“automatic weighing machine” means weighing equipment that includes a machine which accomplishes a weighing operation without intervention by an operator and which sets in motion an automatic process characteristic of the machine;

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“certificate of approval” means a certificate of approval of a pattern of weighing equipment granted or renewed by the Secretary of State under section 12 of the Act or any instrument having effect under paragraph 11 of Schedule 11 to the Act as if it were a certificate of approval so granted on 4th April 1979;

[^{F1}“Class”, in relation to a discontinuous totaliser, means the Class of accuracy specified in the first column of Table 2 in Schedule 3 to these Regulations which corresponds to the limits of error specified in the second and third columns of that Table;]

“device for interpolation of reading” means a device which subdivides without special adjustment the scale of a machine with an analogue indicator;

“digital” means capable of assigning only certain discrete values or positions within a continuous range by a series of discontinuous steps;

“discontinuous totaliser” means a discontinuous totalising automatic weighing machine which systematically sub-divides material in bulk into separate loads, determines the mass of material in each load, effects a summation of loads and discharges the material into bulk;

“filling machine” means an automatic weighing machine which systematically sub-divides material in bulk into separate loads of a pre-determined mass and effects an automatic feed and weighing of them;

“level indicating device” means a device which indicates when the structure to which it is attached is tilted away from its correct operating position;

“live part” means a part of a machine which, when a load is applied to it, causes the mass of the load to be indicated, printed or otherwise processed by the machine;

“load receptor” means a part of a machine on which loads are placed for the purposes of their being weighed;

“material testing” means the testing of an automatic weighing machine by loading suitable material on the machine;

“maximum capacity” means the maximum load which the machine is authorised to weigh by the certificate of approval;

“maximum net capacity” means the maximum net load which the machine is authorised to weigh by the certificate of approval;

“minimum load” means the minimum load which the machine is authorised to weigh by the certificate of approval;

“minimum totalised load” means the minimum totalised load which the machine is authorised to weigh by the certificate of approval;

“non-automatic zero-setting device” means a device which allows an operator to observe, alter and then check the setting of the machine to zero or a given point;

“non-automatic weighing machine” means weighing equipment that includes a machine which accomplishes a weighing operation and which requires the intervention of an operator during the weighing process, especially to deposit loads on, or remove loads from, the load receptor and also to determine the result of the weighing process;

“notice of examination” means a notice of examination caused to be published by the Secretary of State giving particulars of a pattern in respect of which a certificate of approval has been granted;

“prescribed limits of error” has the meaning set out in Regulation 33 below;

“rider” means a poise which can be moved along a graduated bar or beam;

“scale interval” means the value expressed in units of measurement of mass, equal to—

(a) in the case of a machine with an analogue device, the smallest sub-division of the scale; or

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(b) in the case of a machine with a digital device, the smallest difference between two consecutive values indicated by the machine;

“semi-automatic zero-setting device” means a device which, following a manual command, allows the automatic setting of the machine to zero or a given point or indicates the value by which it is necessary to adjust the setting to zero or a given points;

“the stamp” means the prescribed stamp⁽¹⁾;

“tare device” means a device for resetting the weight indicating device and the weight printing device to zero when a load is placed on the load receptor;

“test load” means a load of suitable material used for material testing;

[^{F2}“totalisation scale interval” means the value, expressed in units of mass, of the scale interval of the principal totalisation indicating device of the machine, that is to say, the part of the machine which indicates the sum of all the loads weighed and discharged to bulk;]

“weighing unit” means a device which provides information on the mass of the load being weighed by the machine;

“weight indicating device” means a device which is not a weight printing device and which indicates the weight of a load on a load receptor of the machine; and

“weight printing device” is a device which can print the weight of a load which is on a load receptor of the machine.

(2) The abbreviations of, and symbols for, units of measurement used in these Regulations refer to the relevant units as follows:—

| | |
|---------------|---------|
| hundredweight | cwt |
| quarter | qr |
| pound | lb |
| ounce | oz |
| tonne | t |
| kilogram | kg |
| gram | g, grm. |

Textual Amendments

- F1** Words in [reg. 2\(1\)](#) added (29.4.1996) by [The Weighing Equipment \(Filling and Discontinuous Totalising Automatic Weighing Machines\) \(Amendment\) Regulations 1996 \(S.I. 1996/797\)](#), [regs. 1, 2\(a\)](#)
- F2** Words in [reg. 2\(1\)](#) substituted (29.4.1996) by [The Weighing Equipment \(Filling and Discontinuous Totalising Automatic Weighing Machines\) \(Amendment\) Regulations 1996 \(S.I. 1996/797\)](#), [regs. 1, 2\(b\)](#)

Commencement Information

- I2** [Reg. 2](#) in force at 1.9.1986, see [reg. 1](#)

(1) See S.I. 1968/1615.

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Application

3.—(1) Subject to paragraph (2) below, Parts II and V of these Regulations apply to all automatic weighing machines of the following description namely filling machines and discontinuous totalisers, Part III applies to filling machines and Part IV to discontinuous totalisers, for use for trade, and such machines are hereby prescribed for the purposes of section 11(1) of the Act.

(2) Nothing in these Regulations shall apply to any automatic weighing machine for use only for making up packages if, and only if, the packages are subsequently checked in accordance with section 49(1)(b) of the Act, and in this paragraph “packages” means packages as defined in section 68(1) of the Act.

(3) The Weights and Measures Regulations 1963(2) are hereby amended in Regulation 1(2) by the addition after sub-paragraph (h) of the following sub-paragraph:—

“(i) filling machines and discontinuous totalisers to which the Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) Regulations 1986 apply, except in so far as such machines and totalisers are capable of also being used as a counter machine, platform weighing machine or weighbridge.”.

Commencement Information

I3 [Reg. 3](#) in force at 1.9.1986, see [reg. 1](#)

Purposes of use for trade

4. No person shall use for trade an automatic weighing machine except for the purpose of weighing material the values of which, expressed in units of measurement of mass, are neither less than the value of the minimum load and the minimum totalised load nor more than the value of the maximum capacity.

Commencement Information

I4 [Reg. 4](#) in force at 1.9.1986, see [reg. 1](#)

PART II

GENERAL REQUIREMENTS FOR MATERIALS, PRINCIPLES OF CONSTRUCTION AND MARKING OF AUTOMATIC WEIGHING MACHINES CONSISTING OF FILLING MACHINES AND DISCONTINUOUS TOTALISERS

5. Regulations 6 to 13 below apply to automatic weighing machines consisting of filling machines and discontinuous totalisers.

Commencement Information

I5 [Reg. 5](#) in force at 1.9.1986, see [reg. 1](#)

(2) Regulation 1(2) was amended by S.I. 1977/1932, 1979/1612, 1983/914, 1655.

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6.—(1) Every automatic weighing machine which has readily removable parts, the removal of which would affect its accuracy, shall be so constructed that it cannot be used if any of the said parts are removed.

(2) Where an automatic weighing machine has interchangeable or reversible parts, the interchange or reversal thereof shall not affect its metrological characteristics.

Commencement Information

I6 [Reg. 6](#) in force at 1.9.1986, see [reg. 1](#)

7. The constituent parts of an automatic weighing machine shall be sufficiently strong to withstand the wear and tear of ordinary use in trade.

Commencement Information

I7 [Reg. 7](#) in force at 1.9.1986, see [reg. 1](#)

8. Where an automatic weighing machine is fitted with a zero-setting device designed to compensate for the wear and tear of ordinary use in trade, the device shall have a total range not exceeding 4 per cent. of the maximum capacity of that machine.

Commencement Information

I8 [Reg. 8](#) in force at 1.9.1986, see [reg. 1](#)

9. Where an automatic weighing machine is provided with a means of giving a visual indication of the value of the measurement made of individual quantities of material or of comparisons with such values, it shall be so constructed as to provide for each and practicable weighings for test purposes not exceeding the maximum capacity of that machine.

Commencement Information

I9 [Reg. 9](#) in force at 1.9.1986, see [reg. 1](#)

10.—(1) Subject to the following paragraphs of this Regulation, every automatic weighing machine shall be made in accordance with a pattern in respect of which a certificate of approval is in force.

(2) The marking of a machine in accordance with the requirements of Regulations 11, 18 and 25 below after it has been made in accordance with such a pattern shall not in itself be a breach of paragraph (1) above.

(3) Any dispensation from the observance of the requirements of Regulation 5(1)(b) of the Weights and Measures Regulations 1963, being a dispensation made by the Secretary of State before the date of coming into operation of these Regulations under the provisions of section 14(3) of the Act or under section 14(3) of the Weights and Measures Act 1963 and relating to an automatic weighing machine, shall be deemed to be a dispensation from the observance of the requirements of paragraph (1) above.

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Commencement Information

I10 [Reg. 10](#) in force at 1.9.1986, see [reg. 1](#)

11. Every automatic weighing machines passed as fit for use for trade on or after the date of coming into operation of these Regulations shall be legibly and durably marked with:—

- (a) the name of the maker or supplier;
- (b) the number of the certificate of approval or of the notice of examination in respect of the pattern in accordance with which the machine is made, preceded by the words “Certification No.,” “Cert. No.” or “Notice No.” as the case may be; and
- (c) such other markings appropriate to the type of machine, as specified in Regulation 18 or 25.

Commencement Information

I11 [Reg. 11](#) in force at 1.9.1986, see [reg. 1](#)

12.—(1) Where units of measurement are marked on automatic weighing machines first passed as fit for use for trade:

- (a) before 1st December 1980, they shall be marked in full or, except in the case of the ton, by means of one of the following abbreviations or symbols only:—
cwt, qr, lb, oz, t, kg, kilog, g, gram;
- (b) on or after that date, they shall be marked, in metric units or in pounds or ounces, in full or by means of one of the following abbreviations of symbols only:—
lb, oz, t, kg, g.

(2) Nothing in paragraph (1) above shall authorise the use for trade of the ton, hundredweight or quarter in any circumstances other than those permitted by paragraph 14(1) and (3) of Schedule 11 to the Act.

Commencement Information

I12 [Reg. 12](#) in force at 1.9.1986, see [reg. 1](#)

[^{F3}**12A.** Where either the indication of the exact quantity of material a filling machine purports to weigh or the visual indication of the weight of individual quantities of materials weighed by a discontinuous totaliser is given in metric units of measurement that indication may also be given by means of a supplementary indication.]

Textual Amendments

F3 [Reg. 12A](#) inserted (7.11.1994 immediately after [S.I. 1994/2867](#) comes into force) by [The Weights and Measures \(Metrication Amendments\) Regulations 1994 \(S.I. 1994/1851\)](#), [regs. 1, 2\(1\)](#), [Sch. Pt. I](#)

[^{F4}**13.** Every automatic weighing machine shall be provided with either—

- (a) a plug or stud made of soft metal and made irremovable by undercutting, or
- (b) such sealing arrangements as may be contained in the certificate of approval or the notice of examination in respect of that pattern.]

Textual Amendments

- F4** [Reg. 13](#) substituted (29.4.1996) by [The Weighing Equipment \(Filling and Discontinuous Totalising Automatic Weighing Machines\) \(Amendment\) Regulations 1996 \(S.I. 1996/797\)](#), regs. 1, 3

PART III

FILLING MACHINES

Principles of construction and marking

14.—(1) Every filling machine which is not provided with a load receptor, the material being put directly into a container attached to the live part of the machine, shall be provided with a tare device.

(2) Every movable filling machine shall be fitted with one or more level indicating devices.

Commencement Information

- I13** [Reg. 14](#) in force at 1.9.1986, see [reg. 1](#)

15. Where a filling machine is provided with a manually controlled discharge facility it shall be so constructed that the facility cannot be operated during an automatic process.

Commencement Information

- I14** [Reg. 15](#) in force at 1.9.1986, see [reg. 1](#)

16. Every filling machine shall be provided with a clear indication of the exact quantity of material it purports to weigh.

Commencement Information

- I15** [Reg. 16](#) in force at 1.9.1986, see [reg. 1](#)

17. No filling machines shall be fitted with a rider or with a weight indicating device incorporating a device for interpolation of reading.

Commencement Information

- I16** [Reg. 17](#) in force at 1.9.1986, see [reg. 1](#)

18. Every filling machine passed as fit for use for trade on or after the date of coming into operation of these Regulations shall be legibly and durably marked, in addition to the markings required by Regulation 11 above, with:—

- (a) either—
 - (i) the maximum capacity, or
 - (ii) the maximum net capacity;
- (b) the minimum load; and

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- (c) if applicable—
 - (i) the range of any tare device; and
 - (ii) the scale interval of all weight indicating, weight printing and tare devices.

Commencement Information

I17 [Reg. 18](#) in force at 1.9.1986, see [reg. 1](#)

Manner of erection and use for trade

19.—(1) Every filling machine in use for trade shall be so positioned as to facilitate cleaning and testing.

(2) No person shall use for trade any filling machine fitted with level indicating devices unless each such device indicates that it has been set to its reference position.

Commencement Information

I18 [Reg. 19](#) in force at 1.9.1986, see [reg. 1](#)

20. Where a filling machine is marked with a temperature range, no person shall use the machine for trade in temperatures outside that range.

Commencement Information

I19 [Reg. 20](#) in force at 1.9.1986, see [reg. 1](#)

21. Where a filling machine is fitted with a weight printing device, the machine shall be so erected and used that the printing device, when used, produces a clear and indelible printout for all loads within the weighing range of the machine.

Commencement Information

I20 [Reg. 21](#) in force at 1.9.1986, see [reg. 1](#)

Testing

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

(2) A filling machine, 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 installed in the position in which it is to be used.

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

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Commencement Information

I21 [Reg. 22](#) in force at 1.9.1986, see [reg. 1](#)

23.—(1) The inspector shall, subject to paragraph (2) below, test a filling machine in accordance with the provisions of Schedule 1 to these Regulations.

(2) In the case of a machine made in accordance with a pattern in respect of which a certificate of approval is in force, being a machine for which certain of the testing provisions of Schedule 1 are not practicable or effective and which has a statement to that effect appended to the certificate of approval or the notice of examination in respect of that pattern, the machine shall, in place of the said testing provisions, be subject to any test or tests specified in the certificate of approval or the notice of examination.

Commencement Information

I22 [Reg. 23](#) in force at 1.9.1986, see [reg. 1](#)

PART IV

DISCONTINUOUS TOTALISERS

Principles of construction and marking

24.—^[F5](1) Where a discontinuous totaliser is provided with a visual indication of the weight of individual quantities of material, the machine may, for test purposes only, be constructed so that—

- (a) on manual command, the automatic processing of material is interrupted prior to the filling stage and the discharge stage, and
- (b) the weight display scale is further subdivided.

^[F6](2) In the case of every discontinuous totaliser first passed as fit for use for trade on or after 29th April 1996, the totalisation scale interval shall fall within the range 0.01% to 0.2% of the maximum capacity.]

Textual Amendments

- F5** [Reg. 24](#) renumbered as [reg. 24\(1\)](#) (29.4.1996) by [The Weighing Equipment \(Filling and Discontinuous Totalising Automatic Weighing Machines\) \(Amendment\) Regulations 1996 \(S.I. 1996/797\)](#), [regs. 1, 4](#)
- F6** [Reg. 24\(2\)](#) inserted (29.4.1996) by [The Weighing Equipment \(Filling and Discontinuous Totalising Automatic Weighing Machines\) \(Amendment\) Regulations 1996 \(S.I. 1996/797\)](#), [regs. 1, 4](#)

Commencement Information

I23 [Reg. 24](#) in force at 1.9.1986, see [reg. 1](#)

25. Every discontinuous totaliser passed as fit for use for trade on or after the date of coming into operation of these Regulations shall be legibly and durably marked, in addition to the markings required by Regulation 11 above, with:—

- ^[F7](a) its Class;

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- (b) the maximum capacity of the load receptor;
- (c) the minimum load for automatic operation;
- (d) the minimum totalised load; and
- (e) the totalisation scale interval.]

Textual Amendments

F7 Regs. 25(a)-(e) substituted (29.4.1996) by The Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) (Amendment) Regulations 1996 (S.I. 1996/797), regs. 1, 5

Commencement Information

I24 Reg. 25 in force at 1.9.1986, see **reg. 1**

Manner of erection and use for trade

26.—(1) Every discontinuous totaliser shall be erected in such a way that it is possible to test it in situ, including in particular the depositing on and removal from every load receptor of test loads in a reliable and easy manner, without disrupting the normal operation of the machine.

^{F8}(2)

^{F8}(3)

(4) Nothing in [^{F9}paragraph (1)] above shall apply to any discontinuous totaliser first passed at fit for use for trade before 1st January 1988.

Textual Amendments

F8 Reg. 26(2)(3) omitted (29.4.1996) by virtue of The Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) (Amendment) Regulations 1996 (S.I. 1996/797), regs. 1, 6(a)

F9 Words in reg. 26(4) substituted (29.4.1996) by The Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) (Amendment) Regulations 1996 (S.I. 1996/797), regs. 1, 6(b)

Commencement Information

I25 Reg. 26 in force at 1.9.1986, see **reg. 1**

- 27.** No person shall use a discontinuous totaliser for trade in such a manner as to cause—
- (a) spillage of material from a load receptor; or
 - (b) loading of the weighing unit above its maximum capacity.

Commencement Information

I26 Reg. 27 in force at 1.9.1986, see **reg. 1**

28.—(1) Subject to paragraph (3) below, every discontinuous totaliser having either a non-automatic zero-setting device or a semi-automatic zero setting device shall be erected in such a manner that the operator can, notwithstanding the nature of the machine or its surroundings, readily take up a single position from which he can:—

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- (a) check the zero or given point indication, and
- (b) operate the zero or given point setting controls.

(2) Subject to paragraph (3) below, every discontinuous totaliser shall be erected in such a manner that access is provided to facilitate the cleaning of the interior of every load receptor.

(3) Nothing in paragraphs (1) and (2) above shall apply to any discontinuous totaliser first passed as fit for use for trade before 1st January 1988.

Commencement Information

I27 [Reg. 28](#) in force at 1.9.1986, see [reg. 1](#)

29. Where a discontinuous totaliser is fitted with a weight printing device, the machine shall be so erected and used that the printing device, when used, produces a clear and indelible printout for all loads and with the same scale interval as the relevant indicator.

Commencement Information

I28 [Reg. 29](#) in force at 1.9.1986, see [reg. 1](#)

30. Where a discontinuous totaliser is marked with a temperature range, no person shall use the machine for trade in temperatures, outside that range.

Commencement Information

I29 [Reg. 30](#) in force at 1.9.1986, see [reg. 1](#)

Testing

31.—^{F10}(1) No discontinuous totaliser shall be tested, passed as fit for use for trade and stamped unless either—

- (a) it has been completely erected ready for use and installed at the place where it is to be used, or
- (b) it has been completely erected ready for use in conditions which are in all material respects the same as those at the place where it is to be used and it is not to be dismantled before it is installed at that place.]

(2) Every discontinuous totaliser submitted for testing shall be in a clean condition.

(3) For the purposes of the performance by an inspector of his functions under the Act or these Regulations relating to inspection, testing, passing as fit for use for trade and stamping of any discontinuous totaliser, a person submitting such a machine to an inspector or who an inspector has reasonable cause to believe has control of such a machine for use for trade shall, if requested, provide for the inspector's use ^{F11}a non-automatic weighing machine which meets the requirements of paragraph 5 in Part II of Schedule 2 to these Regulations and such material as the inspector may reasonably require; and any such machine and material so provided shall be returned to the person in question].

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Textual Amendments

- F10** Reg. 31(1) substituted (29.4.1996) by [The Weighing Equipment \(Filling and Discontinuous Totalising Automatic Weighing Machines\) \(Amendment\) Regulations 1996 \(S.I. 1996/797\)](#), regs. 1, **7(a)**
- F11** Words in [reg. 31\(3\)](#) substituted (29.4.1996) by [The Weighing Equipment \(Filling and Discontinuous Totalising Automatic Weighing Machines\) \(Amendment\) Regulations 1996 \(S.I. 1996/797\)](#), regs. 1, **7(b)**

Commencement Information

- I30** [Reg. 31](#) in force at 1.9.1986, see [reg. 1](#)

32.—(1) The inspector shall, subject to paragraph (2) below, test a discontinuous totaliser in accordance with the provisions of Schedule 2 to these Regulations.

(2) In the case of a machine made in accordance with a pattern in respect of which a certificate of approval is in force, being a machine for which certain of the testing provisions of Schedule 2 are not practicable or effective and which has a statement to that effect appended to the certificate of approval or the notice of examination in respect of that pattern, the machine shall, in place of the said testing provisions, be subject to any test or tests specified in the certificate of approval or the notice of examination.

Commencement Information

- I31** [Reg. 32](#) in force at 1.9.1986, see [reg. 1](#)

^{F12}Discontinuous totalisers imported from another member State or an EEA State

32A.—(1) In relation to discontinuous totalisers 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 this Part of these Regulations if, together with the discontinuous totalisers being imported, he is presented with the requisite documentation.

(2) In this regulation and in regulation 34 below—

- (a) “requisite documentation” means—
- (i) the test report of an approved body that the discontinuous totalisers which are the subject of that report have been tested on the same basis as those set out in this Part of these Regulations and stating which tests have been applied to them; 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 a member State or an EEA State which has the responsibility in that State for metrological control of discontinuous totalisers or is a laboratory which has been accredited in a member State or in an EEA State as being a body which conforms with the criteria set out in EN 45001.

(4) Nothing in these Regulations shall prevent an inspector testing in accordance with the foregoing provisions of this Part of these Regulations where he is not satisfied—

- (a) as to the authenticity of the test report or the results presented to him; or

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- (b) that the test results presented to him are results which in fact relate to the discontinuous totalisers being imported; or
- (c) that the discontinuous totalisers have not been dismantled after the tests to which the test report relates were carried out.]

Textual Amendments

F12 Reg. 32A inserted (29.4.1996) by The Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) (Amendment) Regulations 1996 (S.I. 1996/797), regs. 1, 8

PART V

SUPPLEMENTARY PROVISIONS

Prescribed limits of error

33.—(1) The prescribed limits of error relating to filling machines shall be those set out in columns 3 to 6 of Table 1 in Schedule 3 to these Regulations.

[^{F13}(2) In the case—

- (a) of a discontinuous totaliser first passed as fit for use for trade on or after 29th April 1996, the prescribed limits of error relating to the several Classes specified in the first column in Table 2 in Schedule 3 to these Regulations shall be those respectively set out in the second and third columns of that Table; and
- (b) of a discontinuous totaliser first passed as fit for use for trade before 29th April 1996, the prescribed limits of error shall be those so set out in relation to Class 1.

(3) For the purposes of the enforcement of these Regulations, a discontinuous totaliser which is marked in accordance with regulation 25 above as of a specified Class shall be treated as falling within that Class.]

Textual Amendments

F13 Reg. 33(2)(3) substituted for reg. 33(2) (29.4.1996) by The Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) (Amendment) Regulations 1996 (S.I. 1996/797), regs. 1, 9

Commencement Information

I32 Reg. 33 in force at 1.9.1986, see reg. 1

Passing as fit for use for trade

34.—[^{F14}(1)] [^{F15}Subject to paragraph (2) below,] no automatic weighing machine shall be passed as fit for use for trade unless:—

- (a) it complies with all the appropriate requirements of these Regulations; and
- (b) on testing, it falls within the prescribed limits of error in relation to passing as fit for use for trade.

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[^{F16}(2) A discontinuous totaliser imported from another member State or from 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 32A above, the test report recites and the test data confirm to the satisfaction of the inspector that on testing in accordance with the provisions of the law of a member State or an EEA State it fell within limits of error which afford in use an equivalent standard to the prescribed limits of error; and
- (b) it otherwise complies with all the relevant requirements of these Regulations; and
- (c) the inspector is of the opinion that it is not constructed in a manner which facilitates fraudulent use and that it does not bear any inscriptions which might cause confusion in use.]

Textual Amendments

- F14** Reg. 34 renumbered as reg. 34(1) (29.4.1996) by [The Weighing Equipment \(Filling and Discontinuous Totalising Automatic Weighing Machines\) \(Amendment\) Regulations 1996 \(S.I. 1996/797\)](#), regs. 1, **10**
- F15** Words in reg. 34(1) inserted (29.4.1996) by [The Weighing Equipment \(Filling and Discontinuous Totalising Automatic Weighing Machines\) \(Amendment\) Regulations 1996 \(S.I. 1996/797\)](#), regs. 1, **10**
- F16** Reg. 34(2) inserted (29.4.1996) by [The Weighing Equipment \(Filling and Discontinuous Totalising Automatic Weighing Machines\) \(Amendment\) Regulations 1996 \(S.I. 1996/797\)](#), regs. 1, **10**

Commencement Information

- I33** [Reg. 34](#) in force at 1.9.1986, see [reg. 1](#)

Stamping

35.—[^{F17}(1) The stamp shall be placed on the plug or stud referred to in sub-paragraph (a) of regulation 13 above or on any sealing device required by the arrangements referred to in sub-paragraph (b) of that regulation.]

(2) No automatic weighing machine shall be stamped in accordance with paragraph (1) above if it bears any mark which, in the opinion of the inspector, might reasonably be mistaken for the stamp, or any statement or mark (other than an inspector's stamp) which purports to be or, in the opinion of the inspector, might reasonably be mistaken for an expression of approval or guarantee of accuracy by any body or person.

Textual Amendments

- F17** [Reg. 35\(1\)](#) substituted (29.4.1996) by [The Weighing Equipment \(Filling and Discontinuous Totalising Automatic Weighing Machines\) \(Amendment\) Regulations 1996 \(S.I. 1996/797\)](#), regs. 1, **11**

Commencement Information

- I34** [Reg. 35](#) in force at 1.9.1986, see [reg. 1](#)

Obliteration of stamps

36. Stamps shall be obliterated by an inspector, in accordance with the requirements of these Regulations, by means of punches or pincers of suitable sizes of a six-pointed star design as shown in the following illustration:—

Commencement Information

I35 [Reg. 36](#) in force at 1.9.1986, see [reg. 1](#)

37.—(1) Subject to paragraph (2) below, an inspector shall obliterate the stamp on any automatic weighing machine which—

- (a) fails upon testing to fall within the prescribed limits of error in relation to obliteration of the stamp; or
- (b) fails to comply with any other appropriate requirement of these Regulations.

(2) Except as provided by Regulation 38 below, where any automatic weighing machine does not fully comply with the requirements of these Regulations, but the nature or degree of the non-compliance is not, in the inspector's opinion, such as to require the immediate obliteration of the stamp, he shall give to the proprietor or any person in control of the machine a notice calling on him to have the machine corrected within a stated period not exceeding 28 days, and shall obliterate the stamp if the correction has not been made within the stated period.

Commencement Information

I36 [Reg. 37](#) in force at 1.9.1986, see [reg. 1](#)

38. An inspector shall obliterate the stamp on any automatic weighing machine which has, since it was last stamped, had any alteration or addition made to it such that it could not be passed as fit for use for trade under Regulation 34 above.

Commencement Information

I37 [Reg. 38](#) in force at 1.9.1986, see [reg. 1](#)

39. An inspector may obliterate the stamp on any automatic weighing machine which:—

- (a) has, since it was last stamped, been the subject of any adjustment, alteration, addition, repair or replacement which could, in the opinion of the inspector, have affected its accuracy or function;
- (b) is in use for trade for a particular purpose and:
 - (i) which does not meet the requirements of Regulation 4 above; or
 - (ii) for which purpose, in the opinion of the inspector, it is otherwise unsuitable; or
- (c) is in use for trade in circumstances where the machine is subjected to any extraordinary environmental or operating conditions which, in the opinion of the inspector—
 - (i) prevent the machine operating consistently and correctly; or
 - (ii) are likely prematurely to degrade the metrological characteristics of the machine.

Commencement Information

I38 [Reg. 39](#) in force at 1.9.1986, see [reg. 1](#)

40.—(1) For the purpose of these Regulations, the obliteration of any one stamp on any automatic weighing machine shall, subject to paragraph (2) below, be deemed to be the obliteration of all other stamps on that machine.

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(2) Where the stamp on one automatic weighing machine forming part of an interconnected system is obliterated, paragraph (1) above shall not apply so as to prevent the system or any other machine in the system being used provided that the integrity of the remainder of the system is unimpaired.

Commencement Information

I39 Reg. 40 in force at 1.9.1986, see **reg. 1**

Lucas of Chilworth
Parliamentary Under-Secretary of State
Department of Trade and Industry

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SCHEDULE 1

Regulation 23

FILLING MACHINES

TESTING

Setting to zero

1.—(1) Subject to sub-paragraph (2) below, in testing any filling machine, the inspector shall satisfy himself that:—

- (a) it is properly balanced or set to zero when unloaded;
- (b) any beam or leverwork has sufficient room for oscillation and returns to the position of equilibrium when the load is removed;
- (c) any indicator returns to the zero mark or given point when the load is removed.

(2) Sub-paragraphs (1)(a) and (c) above shall not apply in the case of a filling machine of a pattern in respect of which a certificate of approval is in force, if, in the certificate of approval or the notice of examination in respect of that pattern, it is described as not being so constructed as to balance when unloaded.

Commencement Information

I40 Sch. 1 para. 1 in force at 1.9.1986, see [reg. 1](#)

Material testing

2. Before commencing material testing of the filling machine, the inspector shall satisfy himself that the arrangements to be used for determining the weight of material used in test loads selected in accordance with paragraph 3(1)(a) below will give weight determinations such that in respect of each test load the weight determination shall be to an accuracy equal to or better than one-fifth of the limits of error prescribed in respect of that load.

Commencement Information

I41 Sch. 1 para. 2 in force at 1.9.1986, see [reg. 1](#)

3.—(1) Every filling machine shall be subjected to the following test (hereinafter referred to as “test A”) that is to say the inspector shall—

- (a) select 20 separate consecutive test loads;
- (b) determine the weight of the material in each test load using the arrangements referred to in paragraph 2 above;
- (c) ascertain the difference between the weight of the material determined in accordance with sub-paragraph (b) above and the value for that weight indicated on the machine (hereinafter referred to as “purported weight”).

(2) The difference referred to in sub-paragraph (1)(c) above shall constitute the error for the purposes of test A in calculating the prescribed limits of error in excess set out in columns 3 and 5 of Table 1 in Schedule 3 to these Regulations in relation to the description of machine set out in column 1 other than filling machines for use only for weighing potato crisps and other similar products commonly known as snack foods.

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(3) The total of the differences referred to in sub-paragraph (1)(c) above in relation to each test load shall constitute the error for the purposes of test A in calculating the prescribed limits of error in excess set out in columns 3 and 5 of Table 1 in Schedule 3 to these Regulations in relation to filling machines for use only for weighing potato crisps and other similar products commonly known as snack foods.

(4) Where a filling machine is constructed to feed and weigh material of more than one purported weight, the inspector shall select two groups of 20 separate consecutive test loads, one group of test loads each made up as nearly as practicable equal to the minimum load and one other group.

Commencement Information

I42 Sch. 1 para. 3 in force at 1.9.1986, see [reg. 1](#)

4.—(1) Subject to sub-paragraph (3) below, if in the course of performing test A the weight of any test load exceeds the purported weight by more than:

- (a) one-half per cent., or the appropriate amount per cent. given in column 3 of Table 1 in Schedule 3 to these Regulations for weighing specified materials, of the purported weight in relation to passing as fit for use for trade, or
- (b) one per cent., or the appropriate amount per cent. given in column 5 of the said Table 1 for weighing specified materials, of the purported weight in relation to the obliteration of the stamp,

the filling machine shall be subjected to the further test B that is to say the inspector shall remove that single piece or item of material appearing to him to be the largest piece or item at the top of that test load, and the inspector shall then re-determine the weight of material used in each such test load using the arrangements referred to in paragraph 2 above and ascertain the difference between the weight of material so determined and the purported weight.

(2) The difference referred to in sub-paragraph (1) above shall constitute the error for the purposes of test B in calculating the prescribed limits of error set out in columns 4 and 6 of Table 1 in Schedule 3 to these Regulations.

- (3) Sub-paragraph (1) above shall apply only to filling machines of the following description—
- (a) with a maximum capacity of 110 kg or less, used only for weighing solid fuel;
 - (b) with a maximum capacity of 55 kg or less, used only for weighing vegetable produce;
 - (c) with a maximum capacity of less than 5 kg, used for weighing all other materials except potato crisps and other similar products commonly known as snack foods.

Commencement Information

I43 Sch. 1 para. 4 in force at 1.9.1986, see [reg. 1](#)

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^{F18}SCHEDULE 2

Regulation 32(1)

DISCONTINUOUS TOTALISERS

Textual Amendments

F18 Sch. 2 substituted (29.4.1996) by [The Weighing Equipment \(Filling and Discontinuous Totalising Automatic Weighing Machines\) \(Amendment\) Regulations 1996 \(S.I. 1996/797\)](#), regs. 1, **12**

PART I

TESTING— GENERAL REQUIREMENTS

1. Discontinuous totalisers provided with a display of totalised weight only (to which, accordingly, the requirements of regulations 9 and 24 do not apply) shall be subject to material testing in accordance with Part II of this Schedule.

2. Discontinuous totalisers which embody the facilities referred to in regulation 9 but not those referred to in regulation 24 shall be subject to the requirements of regulation 32(2) in addition to the provisions of Part II of this Schedule.

3. Discontinuous totalisers to which regulations 9 and 24 are applicable may be tested in accordance with the provisions of Part III of this Schedule.

4.—(1) Subject to sub-paragraph (2) below, when testing a discontinuous totaliser, an inspector shall satisfy himself that—

- (a) it is properly balanced or set to zero when unloaded;
- (b) any beam or leverwork has sufficient room for oscillation and returns to the position of equilibrium when the load is removed; and
- (c) any indicator returns to the zero mark or given point when the load is removed.

(2) Sub-paragraphs (1)(a) and (c) above shall not apply in the case of a discontinuous totaliser of a pattern in respect of which a certificate of approval is in force, if in the certificate of approval or the notice of examination in respect of that pattern it is described as not so constructed as to balance when unloaded.

5. Before commencing material testing of a discontinuous totaliser, the inspector shall satisfy himself that the arrangements (which may include the use of a non-automatic weighing machine or an internal non-automatic weighing facility) to be used for determining the weight of material used in the testing will give a weight determination of each test load (determined in one or more weighing operations) to an accuracy equal to or better than—

- (a) one-fifth of the prescribed limits of error for material testing; or
- (b) in a case where the accuracy of such arrangements is assessed immediately before use, one-third of such prescribed limits.

PART II

TESTING— USING A SEPARATE NON-AUTOMATIC WEIGHING MACHINE

6.—(1) The tests specified in sub-paragraphs (2), (3) and (4) below shall be carried out on a discontinuous totaliser under normal conditions of use.

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(2) A minimum of three individual tests (including at least one at minimum load and at least one at maximum capacity) shall be carried out, each test involving the weighing of a quantity of suitable material as nearly as practicable equal to the minimum totalised load marked on the machine.

(3) In the case only of a discontinuous totaliser first passed as fit for use for trade before 29th April 1996, and if the person submitting it for testing so requests, the test at maximum capacity under sub-paragraph (2) above may be made with twenty separate loads and the words “as nearly as practicable equal to the minimum totalised load marked on the machine” in that sub-paragraph shall not have effect.

(4) Unless already included in the tests carried out under sub-paragraphs (2) and (3) above two further tests (which shall include at least five weighing cycles and a quantity of material not less than the minimum totalised load) shall be carried out, one at the minimum load and one at the maximum capacity.

(5) For each of the tests carried out under sub-paragraphs (2), (3) and (4) above, the inspector shall determine—

- (a) the weight of material used in the test using the arrangements referred to in paragraph 5 above;
- (b) the material testing error by ascertaining the difference between the weight of the material determined in accordance with sub-paragraph (a) above and the value of the weight of the material obtained from the totalisation indicating device.

PART III

TESTING—USING AN INTERNAL NON-AUTOMATIC WEIGHING FACILITY

7. Where a discontinuous totaliser is constructed with an internal non-automatic weighing facility complying with regulations 9 and 24(1)(a) the machine may be tested by the use of that facility if the facility has first been tested by standard weights to verify that the weight indicating device (if necessary, in conjunction with a calibration chart or graph prepared from the results) will provide the accuracy required for the purposes of paragraph 5 above in the range required for the purposes of paragraph 8 below.

8.—(1) After the machine has weighed and discharged suitable material for at least five separate fillings of the load receptor by the normal automatic process, the process shall be stopped with the load receptor empty; and the inspector shall—

- (a) ensure that the individual weight indicating device is set to zero or a given point; and
- (b) set the totalisation indicating device to zero or record the indicated total.

(2) The automatic process shall be restarted so that the load receptor is filled and automatically weighed; and before any material is discharged the process shall be interrupted and the inspector shall determine the individual weight value.

(3) The automatic process shall be restarted so that the load receptor is discharged and automatically weighed; and before any further material is supplied to the load receptor the process shall be interrupted and the inspector shall determine the individual weight value.

(4) From the weight values recorded in accordance with sub-paragraphs (2) and (3) above the inspector shall determine the true net weight of the material discharged taking account of any calibration chart or graph prepared for the purposes of paragraph 7 above.

(5) The inspector shall then—

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- (a) determine the total true net weight of a number of separate loads in accordance with sub-paragraphs (2), (3) and (4) above to complete material tests as specified in sub-paragraphs (6), (7) and (8) below under normal conditions of use; and
 - (b) record the indication of the totalised weight of material in each test.
- (6) A minimum of three individual tests (including at least one at minimum load and at least one at maximum capacity) shall be carried out, each test involving the weighing of a quantity of suitable material as nearly as practicable equal to the minimum totalised load marked on the machine.
- (7) In the case only of a discontinuous totaliser first passed as fit for use for trade before 29th April 1996 and if the person submitting it for testing so requests, the test at maximum capacity under sub-paragraph (6) above may be carried out with twenty separate loads and the words “as nearly as practicable equal to the minimum totalised load” in that sub-paragraph shall not have effect.
- (8) Unless already included in the tests carried out under sub-paragraphs (6) and (7) above two further tests (which shall include at least five weighing cycles and a quantity of material not less than the minimum totalised load), shall be carried out, one at the minimum load and one at the maximum capacity.
- (9) For each group of tests referred to in sub-paragraph (5)(a) above, the inspector shall determine the material test error by ascertaining the difference between the weight of material determined as required by that sub-paragraph and the value of the weight of material obtained from the totalisation indicating device in accordance with sub-paragraphs (1)(b) and (5)(b) above.]

SCHEDULE 3

Regulation 33

PRESCRIBED LIMITS OF ERROR

Commencement Information

I44 Sch. 3 in force at 1.9.1986, see [reg. 1](#)

FILLING MACHINES

TABLE 1

| <i>Description of machine</i> | <i>Maximum capacity of machine</i> | <i>In relation to passing as fit for use for trade</i> | | <i>In relation to the obliteration of the stamp</i> | |
|---|------------------------------------|---|-----------------------------------|---|-----------------------------------|
| | | <i>for the purposes of test A</i> | <i>for the purposes of test B</i> | <i>for the purposes of test A</i> | <i>for the purposes of test B</i> |
| <i>(1)</i> | <i>(2)</i> | <i>(3)</i> | <i>(4)</i> | <i>(5)</i> | <i>(6)</i> |
| Filing machines for use only for weighing potato crisps and other similar products commonly | any capacity | 20 per cent., in excess only, of the total purported weight of 20 test loads, and no error in deficiency of the purported | Test not applicable | 20 per cent., in excess only, of the total purported weight of 20 test loads, and no error in deficiency of the purported | Test not applicable |

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| Description of machine (1) | Maximum capacity of machine (2) | In relation to passing as fit for use for trade | | In relation to the obliteration of the stamp | |
|--|------------------------------------|--|--|--|--|
| | | for the purposes of test A (3) | for the purposes of test B (4) | for the purposes of test A (5) | for the purposes of test B (6) |
| known as snack foods | | weight of any of those test loads. | | weight of any of those test loads | |
| Filling machines for use only for weighing solid fuel | 110 kg or less | | | | |
| Filling machines for use only for weighing vegetable produce | 55 kg or less | 1 per cent., in excess only, of the purported weight of each test load | 1 per cent., in excess and no limit in deficiency, of the purported weight of each test load | 2 per cent., in excess only, of the purported weight of each test load | 2 per cent., in excess and no limit in deficiency, of the purported weight of each test load |
| All filling machines other than those described above in columns 1 and 2 of this Table | less than 5 kg | | | | |
| | 5 kg or more | 0.5 per cent., in excess or in deficiency, of the purported weight of each test load | Test not applicable | 1 per cent., in excess or in deficiency, of the purported weight of each test load | Test not applicable |

F19 DISCONTINUOUS TOTALISERS

Textual Amendments

F19 Sch. 3 Table 2 substituted (29.4.1996) by The Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) (Amendment) Regulations 1996 (S.I. 1996/797), regs. 1, 13

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Table 2

| Class of accuracy of discontinuous totaliser | Limits of error relative to weight of material used in tests | |
|--|--|--|
| | In relation to passing as fit for use for trade | In relation to obliteration of the stamp |
| Class 0.2 | Plus or minus 0.1% | Plus or minus 0.2% |
| Class 0.5 | Plus or minus 0.25% | Plus or minus 0.5% |
| Class 1 | Plus or minus 0.5% | Plus or minus 1% |
| Class 2 | Plus or minus 1% | Plus or minus 2%] |

EXPLANATORY NOTE

The Regulations prescribe filling and discontinuous totalising automatic weighing machines for the purposes of section 11(1) of the Weights and Measures Act 1985, and exclude them from the application of the Weights and Measures Regulations 1963 (where they were formerly prescribed within the class of automatic weighing machines) except in so far as such machines are capable of also being used as a counter machine, platform weighing machine or a weighbridge.

The Regulations make provision as to:

- (a) the purposes for which such automatic weighing machines may be used for trade (Regulation 4);
- (b) the materials and principles of construction of them and their marking (Regulations 5 to 18, 24 and 25);
- (c) the manner of erection and use of them for trade (Regulations 19 to 21 and 26 to 30);
- (d) their testing, passing as fit for use for trade and stamping and the obliteration of such stamps (Regulations 22, 23, 31, 32, and 34 to 40 and Schedules 1 and 2);
- (e) the prescribed limits of error (Regulation 33 and Schedule 3).

The Regulations make the following changes of substance:—

- (a) a requirement has been included to ensure that automatic weighing machines shall not be used for trade below specified minimum loads or above their maximum capacity (Regulation 4);
- (b) a requirement has been included to limit the range of adjustment of any zero-setting devices of automatic weighing machines designed to compensate for the wear and tear of ordinary use in trade (Regulation 8);
- (c) a requirement has been included to provide facilities for easy and practicable weighings, for test purposes, on automatic weighing machines where visual indication of individual weighings is incorporated (Regulation 9);
- (d) there are new requirements for the principles of construction and marking for filling machines (Regulations 14 to 17);
- (e) there are new requirement for the manner of erection and use for trade of filling machines (Regulations 19 to 21);

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- (f) a requirement has been included to ensure that filling machines intended to be permanently installed and discontinuous totalisers shall be completely erected on site before being tested, passed as fit for use for trade and stamped (Regulations 22(2) and 31(1));
- (g) a requirement has been included to ensure that the inspector testing any automatic weighing machines must, if he so requests, be provided with the appropriate test material (Regulations 22(3) and 31(3));
- (h) a requirement has been included to ensure that all installations of discontinuous totalisers have provisions for the depositing and collection of test material in a reliable and easy manner (Regulation 26(1));
- (i) a requirement has been included to ensure that a non-automatic weighing machine is available for use, where necessary, in the vicinity of any discontinuous totaliser used for trade (Regulation 26(2));
- (j) a requirement has been included to ensure that access is provided for cleaning of discontinuous totalisers (Regulation 28(2));
- (k) the grounds on which an inspector may obliterate the stamp on automatic weighing machines have been widened (Regulations 38 and 39);
- (l) the test requirements for all automatic weighing machines are set out in more detail (Schedules 1 and 2);
- (m) the prescribed limits of error for filling machines used only for weighing solid fuel have been reduced (Schedule 3 Table 1);
- (n) a requirement for the inspector to determine the repeatability error has been introduced for the material testings on discontinuous totalisers (Schedule 2 paragraphs 6(6) and 9(8) and Schedule 3 Table 2).

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