
STATUTORY INSTRUMENTS

1988 No. 186

The Measuring Instruments (EEC Requirements) Regulations 1988

PART I
GENERAL

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Measuring Instruments (EEC Requirements) Regulations 1988 and shall come into force on 14th March 1988.

(2) The Regulations specified in the first column of Schedule 6 hereto are hereby revoked to the extent specified in the second column of that Schedule.

Interpretation and extent

2.—(1) In these Regulations—

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

“ballast” means any of the materials to which the expression ballast applies in Schedule 4 to the Act;

“chief inspector” means a chief inspector of weights and measures appointed or deemed to have been appointed under section 72 of the Act;

“the Directive on medium accuracy bar weights and cylindrical weights” means Council Directive No. [71/317/EEC](#)(1);

“the Directive on meters for liquids other than water” means Council Directive No. [71/319/EEC](#)(2);

“the Directive on the measuring of the standard mass per storage volume of grain” means Council Directive No. [71/347/EEC](#)(3);

“the Directive on ancillary equipment for meters for liquids other than water” means Council Directive No. [71/348/EEC](#)(4);

“the Directive on non-automatic weighing machines” means Council Directive No. [73/360/EEC](#)(5), as amended by Commission Directive No. [82/622/EEC](#)(6);

(1) O.J. No. L202, 6.9.1971, p.14.

(2) O.J. No. L202, 6.9.1971, p.32.

(3) O.J. No. L239, 25.10.1971, p.1, as amended by Cmnd 5179–I p.181.

(4) O.J. No. L239, 25.10.1971, p.9, as amended by Cmnd 5179–I p.182.

(5) O.J. No. L335, 5.12.1973, p.1, as amended by Commission Directive No. [76/696/EEC](#) (O.J. No. L236, 27.8.1976, p.26).

(6) O.J. No. L252, 27.8.1982, p.2.

“the Directive on material measures of length” means Council Directive No. [73/362/EEC](#)(7), as amended by Council Directive No. [78/629/EEC](#)(8) and Commission Directive No. [85/146/EEC](#)(9);

“the Directive on above-medium accuracy weights” means Council Directive No. [74/148/EEC](#)(10);

“the Directive on cold-water meters” means Council Directive No. [75/33/EEC](#)(11);

“the Directive on continuous totalising weighing machines” means Council Directive No. [75/410/EEC](#)(12);

“the Directive on measuring systems for liquids other than water” means Council Directive No. [77/313/EEC](#)(13), as amended by Commission Directive No. [82/625/EEC](#)(14);

“the Directive on automatic checkweighing and weight grading machines” means Council Directive No. [78/1031/EEC](#)(15);

“the Directive on hot-water meters” means Council Directive No. [79/830/EEC](#)(16);

“the Directive on tyre pressure gauges for motor vehicles” means Council Directive No. [86/217/EEC](#)(17);

“inspector” means an inspector of weights and measures appointed or deemed to have been appointed under section 72 of the Act;

“instrument” includes ancillary equipment;

“local weights and measures authority”, in relation to any functions under these Regulations of any such authority which are for the time being the subject of any arrangements made by such authority for the discharge of any of its functions by another local authority, includes the authority by whom those functions fall to be exercised under the arrangements;

“manufacturer”, where more than one person is responsible for the manufacture of an instrument, means the person responsible for the final stage of manufacture;

“meter measuring system” means a meter measuring system to which the Measuring Equipment (Liquid Fuel delivered from Road Tankers) Regulations 1983(18) apply, being a measuring system to which the requirements of item 2.2 of the Annex to the Directive on measuring systems for liquids other than water apply;

“nominated local weights and measures authority” means a local weights and measures authority nominated by the Secretary of State for the purposes of Regulations 13(9), 21(8) and 25(5) of these Regulations;

“the Order” means the Weights and Measures (Northern Ireland) Order 1981(19);

“road tanker” has the same meaning as it has in the Measuring Equipment (Liquid Fuel delivered from Road Tankers) Regulations 1983; and

“use for trade”, in relation to any measuring instrument, has the same meaning as it has in section 7 of the Act in relation to weighing or measuring equipment within the meaning of the

(7) O.J. No. L335, 5.12.1973, p.56.

(8) O.J. No. L206, 29.7.1978, p.8.

(9) O.J. No. L54, 23.2.1985, p.29.

(10) O.J. No. L84, 28.3.1974, p.3.

(11) O.J. No. L14, 20.1.1975, p.1.

(12) O.J. No. L183, 14.7.1975, p.25.

(13) O.J. No. L105, 28.4.1977, p.18.

(14) O.J. No. L252, 27.8.1982, p.10.

(15) O.J. No. L364, 27.12.1978, p.1.

(16) O.J. No. L259, 15.10.1979, p.1.

(17) O.J. No. L152, 6.6.1986, p.48.

(18) S.I. 1983/1390, to which there are amendments not relevant to these Regulations.

(19) S.I. 1981/231 (N.I.10), and see S.I. 1982/846 (N.I.11).

Act, subject however to the addition at the end of subsection (3)(a) of the said section 7 of the words “and any member State other than the United Kingdom”.

(2) These Regulations have effect, so far as necessary for the purpose of their application to systems to which the Directive on measuring systems for liquids other than water applies, as if any reference to an instrument or to a category of instruments included a reference to any such systems or components of such systems.

(3) In these Regulations “the relevant Directive” means in the case of a category of instruments to which these Regulations apply by virtue of Regulation 3 below, the Directive mentioned as applying to that category in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l) or (m) of that Regulation.

(4) Subject to the provisions set out in Schedule 5 hereto, these Regulations shall extend to Northern Ireland.

Application of these Regulations

3. These Regulations apply to instruments or systems of the following categories only:
- (a) instruments of a category to which the Directive on medium accuracy bar weights and cylindrical weights applies;
 - (b) instruments of a category to which the Directive on meters for liquids other than water applies;
 - (c) instruments of a category to which the Directive on the measuring of the standard mass per storage volume of grain applies;
 - (d) instruments of a category to which the Directive on ancillary equipment for meters for liquids other than water applies;
 - (e) instruments of a category to which the Directive on non-automatic weighing machines applies;
 - (f) instruments of a category to which the Directive on material measures of length applies;
 - (g) instruments of a category to which the Directive on above-medium accuracy weights applies;
 - (h) instruments of a category to which the Directive on cold-water meters applies;
 - (i) instruments of a category to which the Directive on continuous totalising weighing machines applies;
 - (j) systems, and components of such systems, of a category to which the Directive on measuring systems for liquids other than water applies;
 - (k) instruments of a category to which the Directive on automatic check-weighing and weight grading machines applies;
 - (l) instruments of a category to which the Directive on hot-water meters applies; and
 - (m) instruments of a category to which the Directive on tyre pressure gauges for motor vehicles applies.

Pattern approval and initial verification: the EEC signs and marks

4.—(1) The EEC signs and marks referred to in these Regulations are the signs and marks described in Schedule 1 to these Regulations, which relate to EEC pattern approval and EEC initial verification.

(2) In these Regulations, references to an EEC sign or mark of a description mentioned in column 1 below are references to the sign or mark described in the paragraph of Schedule 1 to these Regulations specified in column 2 below in relation to that sign or mark.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EEC sign or mark	Paragraph of Schedule 1 describing the sign or mark
The sign of EEC pattern approval	Paragraph 1
The sign of EEC limited pattern approval	Paragraph 2
The sign of exemption from EEC pattern approval	Paragraph 3
The sign of EEC pattern approval and exemption from EEC initial verification	Paragraph 4
The mark of EEC initial verification	Paragraph 5
The mark of EEC partial verification	Paragraph 6

(3) In these Regulations, references to the United Kingdom version of a sign or mark mentioned in column 1 of paragraph (2) above are references—

- (a) to the sign or mark appropriate, in accordance with the provisions of Schedule 1 to these Regulations, for an EEC pattern approval granted or (as the case may be) an EEC initial verification carried out in the United Kingdom; or
- (b) in the case of the sign of exemption from EEC pattern approval, to the sign appropriate, in accordance with paragraph 3 of that Schedule, for an instrument constructed in the United Kingdom and exempt from EEC pattern approval.

Purpose of use for trade

5. No person shall use for trade for the purpose of weighing any material other than ballast a beltweigher in accuracy Class 2 within the meaning of the Directive on continuous totalising weighing machines which bears the mark of EEC initial verification.

PART II

EXEMPTION OF INSTRUMENTS BEARING CERTAIN EEC SIGNS AND MARKS FROM LEGAL RESTRICTIONS IN THE UNITED KINGDOM

6.—(1) Section 8(1)(b) of the Act (prohibition on use for trade of any weight not included in Schedule 3 to the Act) shall not apply to a weight of 50 kilograms which bears the mark of EEC initial verification.

(2) Section 11(2) of the Act (prohibition on the use for trade etc. of weighing or measuring equipment of a class or description prescribed under section 11 without its having been passed as fit for such use) shall not apply to any instrument which bears either—

- (a) the sign of EEC pattern approval and exemption from EEC initial verification, or
- (b) the mark of EEC initial verification:



Provided that the foregoing provisions of this paragraph shall not apply to an instrument of a category to which the Directive on non-automatic weighing machines applies of a class of ordinary accuracy bearing the identifying symbol

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for the purpose of weighing any material other than ballast.

(3) An instrument (including any weight) which bears the sign or mark mentioned in paragraph (2) above shall not be found false or unjust for the purposes of section 17 (1) of the Act (prohibition on use for trade etc. of any weighing or measuring equipment which is false or unjust) by reason solely of any inaccuracy in the functioning of the instrument, if the error in question is not such as to permit the obliteration of the sign or mark under Regulation 21(1)(a) below.

(4) Regulation 67 of the Weights and Measures Regulations 1963⁽²⁰⁾ (requirement that weighing instruments used in transactions in certain higher priced commodities shall be instruments of certain categories) shall not apply to any instrument used in any of the transactions therein set out—

- (a) of a category to which the Directive on non-automatic weighing machines applies,
- (b) which bears the mark of EEC initial verification, and
- (c) of a class of special accuracy or high accuracy bearing the identifying symbol  or  respectively.

(5) This Regulation only applies if the sign or mark remains undefaced otherwise than by reason of fair wear and tear.

PART III

EEC PATTERN APPROVAL AND INITIAL VERIFICATION IN THE UNITED KINGDOM

Introductory

7.—(1) This Part of these Regulations contains provisions with respect to the grant, extension and revocation of EEC pattern approval in the United Kingdom and the carrying out of EEC initial verification in the United Kingdom and generally with respect to the application in the United Kingdom of the EEC signs and marks.

(2) The following Table indicates, in relation to each Directive mentioned in Regulation 3 above, whether it provides for both pattern approval and initial verification, or just one of them, in relation to instruments of a category to which it applies:

TABLE

Directive	Whether it provides for pattern approval or initial verification, or both	Pattern Approval	Initial Verification
The Directive on medium accuracy bar weights and cylindrical weights	No		Yes
The Directive on meters for liquids other than water	Yes		Yes
The Directive on the measuring of the standard mass per storage volume of grain	Yes		Yes

⁽²⁰⁾ S.I. 1963/1710, to which there are amendments not relevant to these Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Directive		
Whether it provides for pattern approval or initial verification, or both		
Pattern Approval	Initial Verification	
The Directive on ancillary equipment for meters for liquids other than water	Yes	Yes
The Directive on non-automatic weighing machines	Yes, except for machines exempted under section 13 of the Annex to the Directive	Yes
The Directive on material measures of length	Yes	Yes
The Directive on above-medium accuracy weights	No	Yes
The Directive on cold-water meters	Yes	Yes
The Directive on continuous totalising weighing machines	Yes	Yes
The Directive on measuring systems for liquids other than water	Yes, for those systems specified in 3.1.1 of the Annex to the Directive	Yes
The Directive on automatic checkweighing and weight grading machines	Yes	Yes
The Directive on hot-water meters	Yes	Yes
The Directive on tyre pressure gauges for motor vehicles	Yes	Yes

EEC pattern approval

8.—(1) Where—

- (a) any pattern of instrument is submitted to the Secretary of State for the purpose by the manufacturer or his authorised representative; and
- (b) the Secretary of State has the necessary equipment available or it can be made available to him by the applicant in accordance with paragraph 2(3) of Schedule 2 to these Regulations,

the Secretary of State shall conduct an examination; and if the Secretary of State is satisfied that the pattern conforms to the requirements of the relevant Directive, he shall, subject to the provisions of this Regulation, grant EEC pattern approval of that pattern and issue a certificate in respect thereof.

(2) Where EEC pattern approval granted under this Regulation is in force in respect of a pattern of instrument, the manufacturer or his authorised representative may apply for approval of modifications or additions to the approved pattern; and on any such application the Secretary of State shall conduct an examination of the pattern of instrument with the modifications or additions proposed, and if he is satisfied that the pattern with those modifications or additions conforms to the requirements of the relevant Directive he shall, subject to the provisions of this Regulation, grant

EEC pattern approval of that pattern with those modifications or additions and issue a certificate in respect thereof.

(3) The Secretary of State shall not grant EEC pattern approval under paragraph (1) or paragraph (2) of this Regulation in respect of any pattern of instrument unless he is satisfied that no application for EEC pattern approval has been made by or on behalf of the manufacturer in any other member State in respect of that pattern.

(4) The Secretary of State shall cause particulars of any EEC pattern approval granted under this Regulation to be published.

(5) Subject to any restrictions imposed under Regulation 9 below, EEC pattern approval shall be valid for a period of ten years and its validity may be extended for successive periods of ten years: Provided that its validity shall not be extended after the date of the entry into force of any amendment to the relevant Directive where it could not have been granted on the basis of that amendment.

(6) If the Secretary of State refuses to grant EEC pattern approval under this Regulation or to extend the period of validity of EEC pattern approval, he shall give to the applicant a statement in writing of his reasons for the refusal.

(7) Schedule 2 to these Regulations shall apply for regulating the conduct in the United Kingdom of EEC pattern approval.

(8) Where in accordance with Schedule 2 to these Regulations a certificate of EEC pattern approval in respect of any pattern of instrument varies or disapplies any requirement of the relevant Directive, references in these Regulations (however expressed) to the requirements of the relevant Directive shall be construed, in relation to instruments of that pattern, as references to those requirements with appropriate variations and omissions; and where in accordance with that Schedule a certificate of EEC pattern approval imposes any requirements or restrictions in addition to those of the relevant Directive, references in these Regulations to conformity to the pattern shall be construed, in relation to instruments of that pattern, as including references to conformity to those requirements or restrictions.

9.—(1) Where new techniques which are not provided for in the relevant Directive are employed, but the maximum permissible errors laid down by the relevant Directive are not exceeded, EEC pattern approval may be granted, but the initial period of validity of EEC pattern approval granted by virtue of this Regulation shall be restricted to a period of two years or less, and only one extension of that period, for a period of three years, may be granted.

(2) EEC pattern approval granted by virtue of this Regulation may be subject to any one or more of the following conditions—

- (a) a condition limiting the number of instruments which may be submitted for initial verification by reference to the pattern in question;
- (b) a condition requiring written notice of the place of installation to be given to the competent authorities of member States in which instruments of the pattern in question are to be installed;
- (c) a condition limiting the use of instruments of the pattern in question;
- (d) a special condition with respect to the techniques used.

EEC limited pattern approval

10. Where EEC pattern approval is granted or extended (whether under these Regulations or by any member State other than the United Kingdom) subject to any restriction on its initial period of validity or (as the case may be) on the period of extension or to any such condition as is mentioned in Regulation 9(2) above, the pattern approval is a limited pattern approval and is hereafter in these

Regulations referred to as such; but references in these Regulations to EEC pattern approval include references to EEC limited pattern approval, unless the context otherwise requires.

Revocation of EEC pattern approval

11.—(1) Subject to the provisions of this Regulation, the Secretary of State may, after consultation with such persons appearing to him to be interested as he thinks fit, revoke any pattern approval granted under these Regulations.

(2) A pattern approval may be revoked on any one or more of the following grounds, that is to say—

- (a) if instruments constructed according to the pattern in question reveal in service a defect of a general nature which makes them unsuitable for their intended use;
- (b) if instruments which are exempt from EEC initial verification on the basis that they are constructed in accordance with the pattern to which that pattern approval relates do not conform to the pattern in question or do not conform to the requirements of the relevant Directive;
- (c) if the metrological requirements specified in the certificate of pattern approval are not satisfied;
- (d) if the Secretary of State is satisfied that it was improperly procured;
- (e) if any condition imposed under Regulation 9(2) above is contravened;
- (f) if a statistical check by attributes carried out under paragraph 5 of Schedule 3 to these Regulations relating to material measures of length results in frequent rejection of lots in accordance with point 11(3) in the Annex to the Directive on material measures of length, and no improvement of the quality level is found once the shortcoming has been brought to the attention of the holder of the EEC pattern approval.

(3) The Secretary of State shall cause notice of any revocation of a pattern approval under this Regulation to be published.

(4) If the Secretary of State revokes a pattern approval he shall give a statement in writing of his grounds for doing so to any person appearing to him to be concerned.

Application of EEC signs relating to pattern approval or exemption from pattern approval

12.—(1) Where an EEC pattern approval (whether granted under these Regulations or by any member State other than the United Kingdom) is in force in respect of any pattern of instrument, and EEC initial verification is not required by the relevant Directive for instruments of the category to which it belongs, the manufacturer shall cause the sign of EEC pattern approval and exemption from initial verification to be affixed to instruments conforming to the approved pattern.

(2) Where an EEC pattern approval (whether granted under these Regulations or by any member State other than the United Kingdom) is in force in respect of any pattern of instrument, but instruments of the category to which it belongs are required by the relevant Directive to be submitted for EEC initial verification, the manufacturer may or, if the relevant Directive so requires, shall cause the sign of EEC pattern approval to be affixed to instruments conforming to the approved pattern.

(3) Where the relevant Directive provides that a category of instruments to which it applies shall not be subject to EEC pattern approval, the manufacturer may, but need not, cause the United Kingdom sign of exemption from EEC pattern approval to be affixed to instruments of that category.

(4) Any sign affixed in accordance with this Regulation shall be affixed at a visible point on the instrument and must be legible and indelible.

EEC initial verification

13.—(1) An application for consideration of any instrument (other than an instrument to which paragraph (9) below applies) for EEC initial verification shall be made to an inspector in such manner as the local weights and measures authority may direct.

- (2) The inspector shall determine—
 - (a) whether the instrument belongs to a category exempt from EEC pattern approval and, if so, whether it conforms to the requirements of the relevant Directive;
 - (b) where EEC pattern approval is required for instruments of the category in question, whether an EEC pattern approval is in force in respect of the instrument and, if so, whether it conforms to the approved pattern and to the requirements of the relevant Directive.
- (3) Where the inspector is satisfied—
 - (a) that the instrument conforms to the requirements of the relevant Directive; and
 - (b) where EEC pattern approval is required for instruments of the category in question, that an EEC pattern approval is in force in respect of the instrument and that the instrument conforms to the approved pattern;

he shall cause to be affixed to the instrument the United Kingdom mark of EEC initial verification or the United Kingdom mark of EEC partial verification as the case may require, and shall at the same time cause to be applied any seals required by the relevant Directive to be applied in connection with initial verification.

(4) If the inspector refuses to cause any EEC mark to be affixed to an instrument he shall give to the applicant a statement in writing of his reasons for the refusal.

(5) Each inspector shall keep a record of all tests and examinations carried out by him under this Regulation.

(6) Where an EEC pattern approval is subject to a condition limiting the number of instruments which may be submitted for initial verification by reference to the pattern in question, a person who makes an application, or causes or permits the making of an application, which if granted would contravene the condition, shall be guilty of an offence unless it is shown that he did not know, and had no reason to believe, that it would or might contravene the condition.

(7) Schedule 3 to these Regulations shall apply for regulating the conduct in the United Kingdom of EEC initial verification.

(8) In this Regulation and in Schedule 3 to these Regulations references to affixing a mark to an instrument include references to affixing a mark on any container, packaging or other thing associated with an instrument where that is authorised or required by the relevant Directive; and references in these Regulations to an instrument bearing a mark shall be construed as including references to an instrument to which a mark has been applied by being so affixed (whether under these Regulations or under the law applicable in any member State other than the United Kingdom).

- (9) In the case of—
 - (i) meters for pressurised liquefied gas to which the Directive on meters for liquids other than water applies;
 - (ii) an instrument of a category to which the Directive on the measuring of the standard mass per storage volume of grain applies;
 - (iii) a measure of length in class I within the meaning of the Directive on material measures of length;
 - (iv) a weight of a category to which the Directive on above-medium accuracy weights applies;
 - (v) a pressurised liquefied gas measuring system of a category to which the Directive on measuring systems for liquids other than water applies;

(vi) an instrument of a category to which the Directive on non-automatic weighing machines applies of a class of special accuracy or high accuracy bearing the identifying symbol

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respectively;

the application for EEC initial verification shall be made to the Secretary of State or to an inspector of a nominated local weights and measures authority, and the preceding provisions of this Regulation and the provisions of Schedule 3 to these Regulations shall have effect as if references to an inspector and to the local weights and measures authority included references to the Secretary of State.

14.—(1) An inspector shall not test or examine a meter measuring system in accordance with Regulation 13 above where an occurrence of the type mentioned in Regulation 23 below has occurred, unless having tested the operation of the meter and gas separator, he concludes that further testing or examination of the accuracy of the system is necessary.

(2) An inspector shall not test or examine a meter measuring system in accordance with Regulation 13 above where an occurrence of the type mentioned in Regulation 24 below has occurred; in such a case he shall test or examine the system in such a way as he considers appropriate to establish the correct operation of its parts affected by the occurrence or, where appropriate, their replacements.

PART IV

SUPPLEMENTARY PROVISIONS

Interpretation of Part IV

15. In this Part of these Regulations—

“occupier”, in relation to any stall, vehicle, ship or aircraft or in relation to the use of any place for any purpose, means the person for the time being in charge of the stall, vehicle, ship or aircraft or, as the case may be, the person for the time being using that place for that purpose;

“premises” includes any place and any stall, vehicle, ship or aircraft; and

“ship” includes any boat and any other description of vessel used in navigation.

Enforcement of conditions applicable to EEC limited pattern approval

16. Where an EEC limited pattern approval is subject to one or more of the following conditions, that is to say—

(a) a condition requiring written notice of the place of installation to be given to the competent authorities of member States in which instruments of the pattern in question are to be installed;

(b) a condition limiting the use of instruments of the pattern in question;

(c) a special condition with respect to the techniques used;

any person who, knowing that any such condition applies to any instrument—

(i) uses for trade, or causes or permits any other person so to use, that instrument knowing that notice has not been given as required by the condition mentioned

in paragraph (a) above or (as the case may be) in contravention of a condition mentioned in paragraph (b) or (c) above; or

- (ii) disposes of the instrument to any other person in a state in which it could be used for trade without informing that person of the condition,

shall be guilty of an offence, and the instrument shall be liable to be forfeited.

Effect of revocation of EEC pattern approval

17.—(1) Where an EEC pattern approval is revoked, whether under these Regulations or by any member State other than the United Kingdom, any person who, knowing that the pattern approval has been revoked, uses for trade, or has in his possession for such use, or causes or permits any other person so to use, an instrument of the pattern in question bearing any EEC sign or mark related to that pattern approval, or disposes of any such instrument to any other person in a state in which it could be so used without informing that other person of the revocation, shall be guilty of an offence, and the instrument shall be liable to be forfeited.

(2) Paragraph (1) above does not apply if any such sign or mark on the instrument has been obliterated under Regulation 21 below.

(3) For the purposes of this Regulation and Regulations 18 and 21 below, an EEC sign or mark shall be regarded as related to a pattern approval if it is a sign framed by reference to that pattern approval or a mark of EEC initial verification which was affixed by reference to conformity to the pattern which was the subject of that pattern approval.

(4) Where any instrument is found in the possession of any person carrying on trade or on any premises which are used for trade, that person or, as the case may be, the occupier of those premises shall be deemed for the purposes of any proceedings for an offence under this Regulation, unless the contrary is proved, to have that instrument in his possession for use for trade.

(5) A certificate by the Secretary of State stating that an EEC pattern approval granted by any member State other than the United Kingdom has been revoked and thereby ceased to have effect on a date specified shall be conclusive as to the matters certified in any proceedings for an offence under this Regulation.

Effect of non-extension of EEC pattern approval

18. Where an EEC pattern approval, whether granted under these Regulations or by any member State other than the United Kingdom, is not extended—

- (a) these Regulations shall, in relation to any instrument of the pattern in question which was used for trade before the pattern approval ceased to have effect, apply as if the pattern approval had continued in force;
- (b) the manufacturer of any instrument of the pattern in question, bearing any EEC sign or mark related to that pattern approval, which has not been used for trade shall be guilty of an offence if, after the pattern approval has ceased to have effect, he disposes of the instrument to any other person, and the instrument shall be liable to be forfeited.

Temporary prohibition of sale or use

19.—(1) Where the Secretary of State is satisfied that instruments 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 may issue a prohibition notice under this Regulation with respect to instruments of that pattern.

(2) Where the Secretary of State is satisfied, in the case of any instruments which are exempt from EEC initial verification on the basis that they are constructed in accordance with a pattern to which an EEC pattern approval granted by a member State other than the United Kingdom relates, that they do not conform to the pattern in question or do not conform to the requirements of the relevant Directive, he may by notice require the manufacturer to ensure that any such instrument shall thereafter conform to that pattern or those requirements, or both, as the case may require; and if the manufacturer fails to comply with the notice within such period of time as may appear to the Secretary of State to be reasonable, the Secretary of State may issue a prohibition notice under this Regulation with respect to instruments of the pattern in question.

(3) Regulation 17 above shall apply, with the necessary modifications, so long as a prohibition notice issued under this Regulation is in force with respect to instruments of any pattern, as it applies in a case where pattern approval is revoked by the Secretary of State.

(4) A prohibition notice under this Regulation shall give particulars of the pattern to which it relates.

(5) The Secretary of State may withdraw a prohibition notice at any time.

(6) If The Secretary of State issues a prohibition notice under this Regulation he shall give a statement in writing of his grounds for doing so to any person appearing to him to be concerned.

(7) The Secretary of State shall cause to be published—

- (a) any prohibition notice issued under this Regulation; and
- (b) notice of withdrawal of any such prohibition notice.

Re-testing after dismantling

20.—(1) Where in the case of any instrument bearing the mark of EEC initial verification—

- (a) the verification of the instrument was carried out, whether under these Regulations or in any member State other than the United Kingdom in two or more stages; and
- (b) since the mark was affixed to the instrument (within the meaning of Schedule 3 to these Regulations) the instrument has been dismantled and reinstalled, whether in the place of original installation or in some other place;

the instrument shall not be used for trade after being so reinstalled until initial verification has again been carried out.

(2) If any person knowingly uses an instrument in contravention of paragraph (1) above, or knowingly causes or permits any other person so to use it, or, knowing that initial verification of the instrument is required by that paragraph to be again carried out, disposes of it to some other person without informing him of that requirement, he shall be guilty of an offence, and the instrument shall be liable to be forfeited.

(3) A certificate by the Secretary of State stating that EEC initial verification of an instrument was carried out in any member State other than the United Kingdom in two or more stages shall be conclusive as to the matter certified in any proceedings for an offence under this Regulation.

(4) This Regulation shall not apply in the case of an instrument if a certificate of EEC pattern approval in force in respect of instruments of the pattern in question authorises instruments of that pattern to be dismantled, provided that any conditions imposed by the certificate are satisfied.

Obliteration of EEC signs and marks

21.—(1) An inspector may obliterate any EEC sign or mark if he is satisfied—

- (a) that the instrument bearing the sign or mark falls outside the relevant limits of error for instruments of the category to which it belongs; or

(b) that the instrument does not comply in any other respect with the requirements of the relevant Directive.

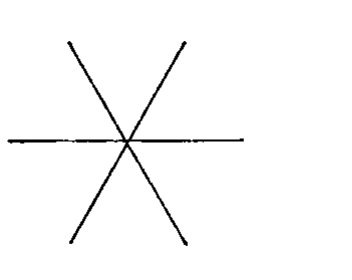
(2) In paragraph (1) above “the relevant limits of error” means the maximum permissible errors laid down by the relevant Directive for instruments in service or, if the relevant Directive does not specify maximum permissible errors for instruments in service, the maximum permissible errors laid down for instruments of the category in question by Schedule 4 to these Regulations.

(3) Where the sole ground for obliterating any EEC sign or mark under paragraph (1) above is that given in sub-paragraph (a) of that paragraph, the inspector may, instead of immediately obliterating the sign or mark, serve upon the person in possession of the instrument a notice requiring him to ensure that the instrument is brought within the limits of error there mentioned before the expiry of twenty-eight days or such shorter period as may be specified in the notice.

(4) If a notice given under paragraph (3) above is not complied with the inspector shall obliterate the sign or mark in question.

(5) Without prejudice to paragraph (1) above, an inspector may, at the request of any person appearing to him to be the owner of an instrument, obliterate any EEC sign or mark on the instrument which is related to an EEC pattern approval (whether granted under these Regulations or by any member State other than the United Kingdom) which the inspector is satisfied has ceased to have effect.

(6) Subject to paragraph (7) below, obliteration under this Regulation shall be carried out by the inspector by means of punches or pincers of a six-pointed star design as shown in the following illustration:—



(7) Paragraph (6) above shall not apply where in the opinion of the inspector it would be impossible to obliterate any EEC sign or mark by the method there specified; and in any such case obliteration shall be carried out in such other manner as the Secretary of State may direct, whether generally or in relation to signs or marks of any particular description.

(8) In the case of an instrument to which Regulation 13(9) above applies the preceding provisions of this Regulation (other than paragraph (5)) shall have effect as if references to an inspector were references to the Secretary of State or to an inspector of a nominated local weights and measures authority.

22. For the purposes of these Regulations, the obliteration, destruction or defacement of any one EEC mark on any meter measuring system shall be deemed to be the obliteration of all other EEC marks on that system, except where the mark has been lawfully obliterated under Regulation 23 or 24 below.

Lawful use for trade of meter measuring systems where marks of EEC initial verification destroyed, obliterated or defaced

23.—(1) It shall be lawful to destroy, obliterate or deface a mark of EEC initial verification on a meter measuring system, and it shall not be a contravention of section 11(2) of the Act to use such equipment for trade during the relevant period by reason only that such a mark on it has been

lawfully destroyed, obliterated or defaced (such destruction, obliteration or defacement being in this Regulation referred to as “the occurrence”) if–

- (a) the person responsible for the occurrence is, or is the duly authorised agent of, the proprietor of the equipment or a person who is the manufacturer, or is regularly engaged in the repair, of equipment for measuring liquid fuel;
 - (b) the occurrence was confined to the mark protecting the joint between the gas separator and its vent pipe;
 - (c) the occurrence was only to permit the installation of a meter and gas separator bearing undefaced marks, such meter and gas separator having previously had affixed to them the mark of EEC initial verification either as part of that meter measuring system or another of exactly the same pattern delivering the same liquid fuel; and
 - (d) notification in writing complying with paragraph (2) below of the occurrence has been given by the proprietor of the equipment or his duly authorised agent before the occurrence to the chief inspector for the area in which the equipment is situated.
- (2) The notification referred to in paragraph (1) above shall contain the following information–
- (a) the location of, and particulars by which, the road tanker may be identified;
 - (b) the place where the tanker may be inspected;
 - (c) the intended date of the occurrence;
 - (d) the business name and address of the proprietor or other person referred to in paragraph (1) (a) above; and
 - (e) the name and address of the person giving the notification.
- (3) In paragraph (1) above “relevant period” means a period of 7 days beginning with the day on which the notification referred to in that paragraph is given in accordance with that paragraph.

24.—(1) It shall be lawful to destroy, obliterate or deface a mark of EEC initial verification on a meter measuring system, and it shall not be a contravention of section 11(2) of the Act to use such equipment for trade during the relevant period by reason only that such a mark on it has been lawfully destroyed, obliterated or defaced (such destruction, obliteration or defacement being in this Regulation referred to as “the occurrence”) if–

- (a) the person responsible for the occurrence is, or is the duly authorised agent of, the proprietor of the equipment or a person who is the manufacturer, or is regularly engaged in the repair, of equipment for measuring liquid fuel;
 - (b) the occurrence was confined to the stamp protecting the ticket printing mechanism;
 - (c) after the occurrence access cannot be gained to the calibration mechanism of the meter; and
 - (d) notification in writing complying with paragraph (2) below of the occurrence has been given by the proprietor of the equipment or his duly authorised agent before the occurrence to the chief inspector for the area in which the equipment is situated.
- (2) The notification referred to in paragraph (1) above shall contain the following information–
- (a) the location of, and particulars by which, the road tanker may be identified;
 - (b) the place where the tanker may be inspected;
 - (c) the intended date of the occurrence;
 - (d) the business name and address of the proprietor or other person referred to in paragraph (1) (a) above; and
 - (e) the name and address of the person giving the notification.

(3) In paragraph (1) above “relevant period” means a period of 28 days beginning with the day on which the notification referred to in that paragraph is given in accordance with that paragraph.

Unauthorised application of EEC signs and marks etc.

- 25.—(1) Subject to paragraph (2) below, any person who, in the case of any instrument—
- (a) not being an inspector or a person acting under the authority of an inspector, 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 in accordance with Regulation 21 above, 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 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 by, or by the duly authorised agent of, a person who is a manufacturer of, or regularly engaged in the business of repairing, instruments.

(3) Any person who uses for trade, sells or exposes or offers for sale any instrument 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 under Regulation 21 above or as permitted by virtue of paragraph (2) above; or
- (b) does not comply with the requirements of the relevant Directive 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.

(4) Any instrument in respect of which an offence under this Regulation was committed, and any implement used in the commission of the offence, shall be liable to be forfeited.

(5) In the case of an instrument to which Regulation 13(9) above applies this Regulation shall have effect as if the references in paragraph (1)(a) above to an inspector were references to the Secretary of State or to an inspector of a nominated local weights and measures authority.

Powers of inspection and entry

26.—(1) Subject to the production if so requested of his credentials, an inspector may, within the area for which he was appointed inspector, at all reasonable times—

- (a) inspect and test any instrument;
- (b) enter any premises at which he has reasonable cause to believe there to be any instrument, not being premises used only as a private dwelling house.

(2) Subject to the production if so requested of his credentials, an inspector may at any time, within the area for which he was appointed inspector, seize and detain any article which he has reasonable cause to believe is liable to be forfeited under these Regulations.

- (3) If a justice of the peace, by information on oath—
- (a) is satisfied that there is reasonable ground to believe that any such instrument or article as is mentioned in paragraph (1) or (2) above is on any premises, or that any offence under these Regulations has been, is being or is about to be committed on any premises; and
 - (b) is also satisfied either—
 - (i) that admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier; or
 - (ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent;

the justice may by warrant under his hand, which shall continue in force for a period of one month, authorise an inspector to enter the premises, if need be by force.

In the application of this paragraph to Scotland, the expression “a justice of the peace” shall be construed as including the sheriff.

(4) An inspector entering any premises by virtue of this Regulation may take with him such other persons and such equipment as may appear to him necessary; and on leaving any premises which he has entered by virtue of a warrant under paragraph (3) above, being premises which are unoccupied or the occupier of which is temporarily absent, he shall leave them as effectively secured against trespassers as he found them.

(5) If any inspector or other person who enters any work-place by virtue of this Regulation discloses to any person any information obtained by him in the work-place with regard to any secret manufacturing process or trade secret, he shall, unless the disclosure was made in the performance of his duty, be guilty of an offence.

(6) Nothing in this Regulation shall authorise any inspector to stop any vehicle on a highway.

(7) In this Regulation “credentials” means authority in writing from a local weights and measures authority for the exercise by an inspector of the powers conferred by this Regulation.

(8) For the purposes of paragraphs (1)(b) and (3) of this Regulation an instrument means an instrument which is, or which the inspector has reasonable cause to believe to be—

- (a) used for trade, or in the possession of any person or on any premises for such use; or
- (b) intended for despatch to another member State.

Obstruction of inspectors

27.—(1) Any person who—

- (a) wilfully obstructs an inspector acting in the execution of any provision of these Regulations; or
- (b) without reasonable cause fails to give any inspector acting as aforesaid any assistance or information which the inspector may reasonably require of him for the purposes of the performance by the inspector of his functions under these Regulations;

shall be guilty of an offence.

(2) If any person, in giving an inspector any such information as is mentioned in paragraph (1) above, gives any information which he knows to be false, he shall be guilty of an offence.

(3) Nothing in this Regulation shall be construed as requiring a person to answer any question or give any information if to do so might incriminate him.

Offences by corporations

28.—(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 deemed to be guilty of that offence and shall be liable to be proceeded against and punished 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.

Prosecution and punishment of offences under these Regulations

29. Proceedings for any offence under these Regulations shall not, in England and Wales, be instituted except by or on behalf of a local weights and measures authority or the chief officer of police for a police area.

30. Any person guilty of an offence under Regulation 25, 26 or 27 above shall be liable on summary conviction to a fine not exceeding £2000, and any person guilty of an offence under any other provision of these Regulations shall be liable on summary conviction to a fine not exceeding £400.

9th February 1988

John Butcher
Parliamentary Under-Secretary of State,
Department of Trade and Industry