
STATUTORY INSTRUMENTS

1988 No. 186

The Measuring Instruments (EEC Requirements) Regulations 1988

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
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

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Directive		
Whether it provides for pattern approval or initial verification, or both		
Pattern Approval	Initial Verification	
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



or



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.

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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.