

## SCHEDULE 4

Regulation 56

### USE FOR TRADE OF REGULATED NON-AUTOMATIC WEIGHING INSTRUMENTS IN GREAT BRITAIN

#### **Restrictions on use of instruments for trade**

1.—(1) An instrument marked with a weighing range may be used for trade for determining the weight of any item by ascertaining the difference between two weights (both of which fall within the weighing range).

(2) Save in accordance with paragraph (1) above, a person must not use for trade regulated non-automatic weighing instrument marked with a weighing range for determining a weight outside that range in relation to—

- (a) articles made from, gold, silver, platinum or palladium;
- (b) precious stones or pearls; or
- (c) drugs or other pharmaceutical products.

(3) A person must not use for trade any regulated non-automatic weighing instrument other than an instrument of accuracy classification Class I or Class II within the meaning of paragraph 2 of Annex I to the Directive in any transaction relating—

- (a) to, or to articles made from, gold, silver, platinum or palladium;
- (b) to precious stones or pearls.

(4) Where a regulated non-automatic weighing instrument bears a mark which signifies the manner and purpose of use, it must not be used for trade in a manner or for a purpose which does not accord with that marking.

(5) A person must not use a Class III regulated non-automatic weighing instrument (within the meaning of paragraph 2 of Annex I to the Directive) for trade for any purpose other than for weighing—

- (a) any of the materials to which the expression “ballast” applies in Schedule 4 to the Weights and Measures 1985 Act;
- (b) any material the disposal of which constitutes a landfill disposal as defined in paragraph (2) of section 70 of the Finance Act 1996<sup>(1)</sup>, whether or not the disposal amounts to a taxable disposal as defined in section 40 of that Act; or
- (c) waste not falling within paragraph (b).

(6) A person must not use for trade any regulated non-automatic weighing instrument for the purpose of multiple weighing, that is to say, determining the mass of a load by totalling the results of more than one static weighing operation during each of which the load is only partially supported by the load receptor.

(7) For the purposes of this paragraph, “waste” means any substance that its holder, discards, or intends or is required to discard, including any waste disposed of for reprocessing or recycling purposes.

#### **Manner of erection of regulated non-automatic weighing instruments**

2. Where a regulated non-automatic weighing instrument is fitted with one or more level-indicating devices, a person must not use the instrument for trade unless each such device indicates that it has been set to its reference position.

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(1) 1996 c.8.

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

**Regulated non-automatic weighing instruments marked with temperature range**

3. Where a regulated non-automatic weighing instrument is marked with a temperature range, a person must not use the instrument for trade at temperatures outside that range.

**Regulated non-automatic weighing instruments marked with manner of use**

4. Where a regulated non-automatic weighing instrument is marked with the manner of use, a person must not use the instrument for trade in a manner which does not accord with the marking.

**Regulated non-automatic weighing instruments fitted with printing devices**

5. Where a regulated non-automatic weighing instrument is fitted with a printing device, a person must not use the instrument for trade unless the printing device produces a legible and durable printout.

**Load receptors**

6.—(1) A person must not use a regulated non-automatic weighing instrument for trade unless it is erected and used in such a manner that, during a weighing operation, the load being weighed is stationary relative to the load receptor and supported only by the load receptor.

(2) A person must not use for trade a regulated non-automatic weighing instrument for the purpose of sales by retail—

(a) unless—

(i) the load receptor is not less than 10 mm above any adjacent surface; or

(ii) where the load receptor is less than 10 mm above any adjacent surface, the boundary of the top surface of all adjacent surfaces is durably marked in a distinctive and contrasting manner with a band at least 15 mm in width; or

(b) if the load receptor is below the level of any adjacent surface.

**Operation of regulated non-automatic weighing instrument**

7. A person must not use a regulated non-automatic weighing instrument for trade unless it is erected in such a manner that the operator can, readily take up a single position from which he can—

(a) see directly or with the aid of mirrors, closed-circuit television or other permanently installed facilities, the whole of the unladen load receptor;

(b) operate the instrument's controls; and

(c) obtain a weight reading from the instrument.

**Regulated non-automatic weighing instruments to be set to zero or to be balanced before use**

8.—(1) A person must not use a regulated non-automatic weighing instrument for trade unless it is properly balanced or set to zero immediately prior to use.

(2) Paragraph (1) does not apply in the case of a regulated non-automatic weighing instrument if it is designed so as not to balance when unloaded.