

SCHEDULE 2

Regulation 3(4)

MEASURING INSTRUMENT WHICH MAY CONTINUE TO BE PUT INTO USE

Cold water meters

1. A cold-water meter—
 - (a) in respect of which a certificate of approval was granted before 30th October 2006; and
 - (b) which was first passed as fit for trade and stamped before 30th October 2016 under the Measuring Equipment (Cold-water Meter Regulations) 1988(1).
2. A cold-water meter—
 - (a) in respect of a pattern of which EEC pattern approval was granted before 30th October 2006 in accordance with the Measuring Instruments (EEC Requirements) Regulations 1988 (or in accordance with the measures in force in another EEA state which implement Council [Directive 75/33/EEC\(2\)](#)); and
 - (b) which bears a mark of EEC initial verification or of EEC partial verification, in either case, affixed before 30th October 2016 in accordance with the Measuring Instruments (EEC Requirements) Regulations 1988 (or in accordance with the measures in force in another EEA state which implement Council [Directive 71/316/EEC\(3\)](#) as amended by Council Directives [72/427/EEC\(4\)](#), [83/575/EEC\(5\)](#), [87/354/EEC\(6\)](#)[87/355/EEC\(7\)](#) and [88/665/EEC\(8\)](#).

Gas meters

3. A gas meter for use for trade which was—
 - (a) stamped under section 17 of the Gas Act 1986(9) and placed on the market before 30th October 2016; or
 - (b) stamped under article 22 of the Gas (Northern Ireland) Order 1996(10) and placed on the market before 30th October 2016;
 4. A gas meter for use for trade—
 - (a) in respect of which an EEC pattern approval was granted before 30th October 2006—
 - (i) under the Measuring Instruments (EEC Requirements) Regulations 1988(11), as applied to gas meters by the Measuring Instruments (EEC Requirements) (Gas Volume Meters) Regulations 1988(12); or
 - (ii) by any other EEA state in accordance with the relevant provisions of measures in force which implement Council Directive 71/318(13),
- and

(1) [S.I. 1988/97](#) as amended by [S.I. 2001/1229](#) and [S.I. 2003/214](#).

(2) OJNo. L14, 20.1.75, p.1. [Directive 75/33/EEC](#) was repealed by [Directive 2004/22/EC](#) (OJ No. L135, 30.04.04, p.1).

(3) OJ No. L202, 6.9.71, p.1, OJ/SE 1971(II), p.707.

(4) OJ No. L291, 28.12.72, p.156, OJ/SE 1972, 28-30 Dec., p.71.

(5) OJ No. L332, 28.11.83, p.43.

(6) OJ No. L192, 11.7.87, p.43.

(7) OJ No. L192, 11.7.87, p.46.

(8) OJ No. L382, 31.12.88, p.42.

(9) [1986 c.44](#).

(10) [S.I. 1996/275](#) (N.I. 2).

(11) [S.I. 1988/186](#)

(12) [S.I. 1988/296](#), as amended by [S.I. 1996/319](#).

(13) Directive 71/318 on the approximation of the laws of member States relating to gas meters.

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

- (b) which bears a mark of EEC initial verification affixed before 30th October 2016 under those Regulations (as so applied) or by any other EEA state in accordance with those provisions.

Active electrical energy meters

5. An active electrical energy meter for use for trade which was—
- (a) of a pattern or construction approved before 30th October 2006 by or under regulations made under paragraph 2 of Schedule 7 to the Electricity Act 1989⁽¹⁴⁾, where such approval has not been revoked under regulations so made; and
 - (b) before 30th October 2016,—
 - (i) certified under paragraph 5 of that Schedule or excepted from the requirement for certification under paragraph 2(2) of that Schedule; and
 - (ii) placed on the market.
6. An active electrical energy meter for use for trade which was—
- (a) of a pattern or construction approved before 30th October 2006 by or under regulations made under paragraph 3 of Schedule 7 to the Electricity (Northern Ireland) Order 1992⁽¹⁵⁾ where such approval has not been revoked under regulations so made; and
 - (b) before 30th October 2016—
 - (i) certified under paragraph 6 of that Schedule or excepted from the requirement for certification under paragraph 3(2) of that Schedule; and
 - (ii) placed on the market.
7. An active electricity meter for use for trade—
- (a) in respect of which an EEC pattern approval was granted before 30th October 2006—
 - (i) under the Measuring Instruments (EC Requirements) (Electrical Energy Meters) Regulations 1995⁽¹⁶⁾; or
 - (ii) any other EEA state in accordance with the relevant provisions of measures in force which implement Council Directive 76/891⁽¹⁷⁾; and
 - (b) which bears a mark of EEC initial verification affixed before 30th October 2016 under those Regulations or by any other EEA state in accordance with those provisions.

Automatic Weighing instruments

8. An Automatic gravimetric filing instrument—
- (a) in respect of which a certificate of approval was granted before 30th October 2006; and
 - (b) which before 30th October 2016 was first passed as fit for use for trade and stamped under—
 - (i) the Weights and Measures Regulations 1963⁽¹⁸⁾;
 - (ii) the Weighing Equipment (Filing and Discontinuous Totalising Automatic Weighing Machines) Regulations 1986⁽¹⁹⁾; or

⁽¹⁴⁾ 1989 c.29.

⁽¹⁵⁾ S.I. 1992 No 231 (N.I. 1).

⁽¹⁶⁾ S.I. 1995/2607.

⁽¹⁷⁾ Directive 76/891 on the approximation of the laws of member States relating to electrical energy meters.

⁽¹⁸⁾ S.I. 1963/1710, as amended by S.I. 1970/1370, S.I. 1972/767, S.I. 1974/1326, S.I. 1977/1932, S.I. 1978/484, S.I. 1979/1612, S.I. 1980/1070, S.I. 1980/1079, S.I. 1983/914, S.I. 1984/1446, S.I. 1985/1532, S.I. 1986/1320, S.I. 1986/1682, S.I. 1988/120, S.I. 1988/876, S.I. 1994/1249, S.I. 1995/735, S.I. 2000/388, S.I. 2001/599, S.I. 2001/1208, S.I. 2003/2454 and S.I. 2003/2761.

⁽¹⁹⁾ S.I. 1986/1320, as amended by S.I. 1994/1851, S.I. 1996/797, S.I. 2000/387, S.I. 2001/85 and S.I. 2003/2014.

- (iii) the Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations 2000(20).

Measuring systems for the measurement of liquid fuel and lubricants

9. A measuring system for use for trade in the making of a continuous and dynamic measurement of liquid fuel lubricants or a mixture of liquid fuels and lubricants in a quantity not exceeding 100 litres or 100 kilograms—

- (a) in respect of which a certificate of approval was granted before 30th October 2006; and
- (b) which was before 30th October 2016 first passed as fit for use for trade and stamped under the Measuring Equipment (Liquid Fuel and Lubricants) Regulations 1995(21).

10.—(1) A measuring system for use for trade in the making of a continuous and dynamic measurement of liquid fuel, lubricants or a mixture of liquid fuels and lubricants in a quantity not exceeding 100 litres or 100 kilograms—

- (a) in respect of which an EEC pattern approval was granted before 30th October 2006; and
- (b) which bears a mark of EU initial verification or EU partial verification affixed before 30th October 2016.

(2) For the purposes of paragraph (1)—

- (a) a grant of EEC pattern approval or the affixing of a mark of EEC initial verification must have been in accordance with the Measuring Instruments (EEC Requirements) Regulations 1988(22) or, in the case of any other EEA state, in accordance with the measures in force which implemented—
 - (i) Council Directive 71/319 EEC(23);
 - (ii) Council Directive 71/348/EEC(24) as amended by the Treaty of Accession 1994(25); and
 - (iii) Council Directive 77/313/EEC(26) as amended by Commission Directive 82/625/EEC(27); and
- (b) the affixing of a mark of EEC partial verification must have been in accordance with the 1988 Regulations, or in the case of any other EEA state in accordance with the measures in force which implemented Council Directive 71316/EEC(28) as amended by Council Directives 72/427/EEC(29), 83/575/EEC(30), 87/354/EEC(31), 87/355/EEC(32) and 88/665/EEC(33).

(20) S.I. 2000/388 as amended by S.I. 2003/214 and S.I. 2006/659.

(21) S.I. 1995/1014, as amended by S.I. 1998/2218, S.I. 2001/85, S.I. 2003/214 and S.I. 2003/2110.

(22) S.I. 1988/186, as amended by S.I. 1988/296 and S.I. 1988/1128.

(23) OJ No. L202, 6.9.71, p.32, repealed by Directive 2004/22/EC (OJ No. L13, 30.4.04, p.1.

(24) OJ No. L239, 25.10.71, p.9 repealed by Directive 2004/22/EC (OJ No. L13, 30.4.04, p.1.

(25) The Treaty concerning the accession of Norway, Austria, Finland and Sweden, signed 24.06.94.

(26) OJ No. L105, 28.4.77, p. 18, repealed by Directive 2004/22/EC (OJ No. L13, 30.4.04, p.1.

(27) OJ No. L252, 27.8.82, p.10 repealed by Directive 2004/22/EC (OJ No. L13, 30.4.04, p.1.

(28) OJ No. L202, 6.9.71, p.1, OJ/SE 1971 (II), p 707.

(29) OJ No. L291, 28.12.72, p.156, OJ/SE 1972, 28-30 Dec., p.71.

(30) OJ No. L332, 28.11.83, p.43.

(31) OJ No. L192, 11.7.87, p.43.

(32) OJ No. L192, 11.7.87, p.46.

(33) OJ No. L382, 31.12.88, p.42.

Measuring systems used for deliveries from road tankers

11. A measuring system for use for trade in the making of a continuous and dynamic measurement of liquid fuel in a quantity exceeding 100 litres or 100 kilograms, delivered from a road tanker—

- (a) in respect of which a certificate of approval was granted before 30th October 2006; and
- (b) which was first passed as fit before 30th October 2016 for use for trade and stamped under the Measuring Equipment (Liquid Fuel delivered from Road Tankers) Regulations 1983**(34)**.

12.—(1) A measuring system for use for trade in the making of a continuous and dynamic measurement of liquid fuel in a quantity exceeding 100 litres or 100 kilograms, delivered from a road tanker—

- (a) in respect of a which an EEC pattern approval was granted before 30th October 2006; and
- (b) which bears a mark of EU initial verification or EU partial verification affixed before 30th October 2016.

(2) For the purposes of paragraph (1)—

- (a) a grant of EEC pattern approval or the affixing of a mark of EEC initial verification must have been in accordance with the Measuring Instruments (EEC Requirements) Regulations 1988**(35)** or, in the case of any other EEA state, in accordance with the measures in force which implemented—
 - (i) Council Directive 71/319 EEC**(36)**;
 - (ii) Council [Directive 71/348/EEC](#)**(37)** as amended by the Treaty of Accession 1994**(38)**; and
 - (iii) Council [Directive 77/313/EEC](#)**(39)** as amended by Commission [Directive 82/625/EEC](#)**(40)**; and
- (b) the affixing of a mark of EEC partial verification must have been in accordance with the 1988 Regulations, or in the case of any other EEA state in accordance with the measures in force which implemented Council Directive 71316/EEC**(41)** as amended by Council Directives [72/427/EEC](#)**(42)**, [83/575/EEC](#)**(43)**, [87/354/EEC](#)**(44)**, [87/355/EEC](#)**(45)** and [88/665/EEC](#)**(46)**.

Taximeters

13. A Taximeter—

- (a) in respect of which a certificate of approval was granted before 30th October 2006; and
- (b) which was passed as fit for use before 30th October 2016 for the protection of consumers and marked under the Metropolitan Conditions of Fitness**(47)**.

(34) [S.I. 1983/1390](#), as amended by [S.I. 1986/1210](#), [S.I. 1994/1851](#), [S.I. 1995/3117](#), [S.I. 2001/85](#) and [S.I. 2003/214](#).

(35) [S.I. 1988/186](#), as amended by [S.I. 1988/296](#) and [S.I. 1988/1128](#).

(36) OJ No. L202, 6.9.71, p.32, repealed by [Directive 2004/22/EC](#) (OJ No. L13, 30.4.04, p.1).

(37) OJ No. L239, 25.10.71, p.9 repealed by [Directive 2004/22/EC](#) (OJ No. L13, 30.4.04, p.1).

(38) The Treaty concerning the accession of Norway, Austria, Finland and Sweden, signed 24.06.94.

(39) OJ No. L105, 28.4.77, p. 18, repealed by [Directive 2004/22/EC](#) (OJ No. L13, 30.4.04, p.1).

(40) OJ No. L252, 27.8.82, p.10 repealed by [Directive 2004/22/EC](#) (OJ No. L13, 30.4.04, p.1).

(41) OJ No. L202, 6.9.71, p1, OJ/SE 1971 (II), p 707.

(42) OJ No. L291, 28.12.72, p.156, OJ/SE 1972, 28-30 Dec., p.71.

(43) OJ No. L332, 28.11.83, p.43.

(44) OJ No. L192, 11.7.87, p.43.

(45) OJ No. L192, 11.7.87, p.46.

(46) OJ No. L382, 31.12.88, p.42.

(47) The Public Carriage Office issued the Construction and Licensing of Motor Taxicabs in London: Conditions of Fitness in 2000. (This document is usually referred to as “the Metropolitan Conditions of Fitness.”) The Metropolitan Conditions of Fitness are

Material measures of length

14. A material measure of length—

- (a) which was first passed as fit for use for trade and stamped before 30th October 2006 under the Measuring Equipment (Measures of Length) Regulations 1986(48); and
- (b) which was placed on the market before 30th October 2016.

15.—(1) A material measure of length—

- (a) in respect of which an EEC pattern approval was granted under the Measuring Instruments (EEC Requirements) Regulations 1988(49)
- (b) which bears a mark of EEC initial verification or of EEC partial verification, which was affixed before 30th October 2016.

(2) For the purposes of paragraph (1)—

- (a) a grant of EEC pattern approval, or the affixing of a mark of EEC initial verification must have been in accordance with the relevant provisions of the Measuring Instruments (EEC Requirements) Regulations 1988 or, in the case of any other member State, in accordance with the relevant provisions of measures in force which implemented Council [Directive 73/362/EEC\(50\)](#) as amended by Council [Directive 78/629/EEC\(51\)](#) and Commission [Directive 85/146/EEC\(52\)](#); and
- (b) the affixing of a mark of EEC partial verification must have been in accordance with the Measuring Instruments (EEC Requirements) Regulations 1988, or in the case of any other member State, in accordance with the measures in force which implemented Council [Directive 71/316/EEC\(53\)](#) as amended by Council Directives [72/427/EEC\(54\)](#), [83/575/EEC\(55\)](#), [87/354/EEC\(56\)](#), [87/355/EEC\(57\)](#) and [88/665/EEC\(58\)](#).

Exhaust gas analyser

16. An exhaust gas analyser

- (a) in respect of which a certificate of approval was granted before 30th October 2006; and
- (b) which was first passed as fit for use for the protection of the environment and public health pursuant to the requirements of OIML, R99/ISO 3930(59) before 30th October 2016.

made under the London Cab Order 1934 (S.I. 1934/1346), article 35. The relevant amending instruments are S.I. 1985/933, 1990/2003 and 2000/1666. S.I. 1934/1346 was made under the Metropolitan Public Carriage Act 1869 (c. 115), section 6. Article 35 of the London Cab Order requires the installation of an approved taximeter. The requirements that must be met by an approved taximeter are set out in the Notice to Owners and Manufacturers of Motor Cabs and Taximeters regarding Taximeters to be used on Taxicabs in the Metropolitan Police District and the City of London, which was issued by the Public Carriage Office in July 1997.

(48) S.I. 1986/1682 as amended by S.I. 1986/2139, S.I. 1994/1851, S.I. 1996/2636

(49) S.I. 1866/186 as amended by S.I. 1988/296 and S.I.1988/1128

(50) OJ No. L335, 5.12.73, p.56 (repealed by Directive 2004/22/EC (OJ No.L135, 30.4.04, p.1).

(51) OJNo.L209, 29.7.78, p.8.

(52) OJ no.L054, 23.2.85, p29.

(53) OJ No. L202, 6.09.71, p.1, OJ/SE 1972 1971 (II) p 707.

(54) OJ No. L291, 28.12.72, p156, OJ/SE 1972, 28-30 Dec.,p.71.

(55) OJ No. L 332 ,28.11.83, p.43.

(56) OJ No. L192, 11.7.87

(57) OJ No. L192, 11.7.87, p.46.

(58) OJ No L382, 31.12.88, p.42.

(59) OIML, the Organisation International de Métrologie Légale, is an intergovernmental body dedicated to the harmonisation of the national metrology regulations of its members. The OIML R99 standard edition 2000E, was developed by the OIML subcommittee TC16/SC 1, Air pollution.