

## SCHEDULE 3

Regulation 4

## REVOCATIONS AND TRANSITIONAL AND CONSEQUENTIAL PROVISIONS

**Instruments revoked**

1. Subject to paragraph 2, the Regulations listed in the table in this paragraph are revoked.

<i>Instrument title</i>	<i>Reference</i>
The Measuring Instruments (Automatic Discontinuous Totalisers) Regulations 2006	S.I.2006/1255
The Measuring Instruments (Automatic Rail-weighbridges) Regulations 2006	S.I. 2006/1256
The Measuring Instruments (Automatic Catchweighers) Regulations 2006	S.I. 2006/1257
The Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006	S.I. 2006/1258
The Measuring Instruments (Beltweighers) Regulations 2006	S.I. 2006/1259
The Measuring Instruments (Capacity Serving Measures) Regulations 2006	S.I. 2006/1264
The Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006	S.I. 2006/1266
The Measuring Instruments (Material Measures of Length) Regulations 2006	S.I. 2006/1267
The Measuring Instruments (Cold Water Meters) Regulations 2006	S.I. 2006/1268
The Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations 2006	S.I. 2006/1269
The Measuring Instruments (Non-Prescribed Instruments) Regulations 2006	S.I. 2006/1270
The Measuring Instruments (Active Electrical Energy Meters) Regulations 2006	S.I. 2006/1679
The Measuring Instruments (Exhaust Gas Analysers) Regulations 2006	S.I. 2006/2164
The Measuring Instruments (Taximeters) Regulations 2006	S.I. 2006/2304
The Measuring Instruments (Amendment) Regulations 2006	S.I. 2006/2625
The Measuring Instruments (Gas Meters) Regulations 2006	S.I. 2006/2647
The Measuring Instruments (Amendment) Regulations 2010	S.I. 2010/2881

**Transitional provisions**

- 2.—(1) In this paragraph, “the former law” means the Regulations referred to in paragraph 1.

(2) This sub-paragraph applies to a regulated measuring instrument placed on the market or put into use before the commencement date which was required by any provision of the former law to meet the essential requirements.

(3) A regulated measuring instrument to which sub-paragraph (2) applies which meets the requirements of the former law applicable to it is treated as meeting the requirements of these Regulations.

(4) Where a regulated measuring instrument to which sub-paragraph (2) applies does not meet the requirements of the former law, these Regulations apply to that instrument as they apply to a regulated measuring instrument placed on the market or put into use after the commencement date which does not comply with the requirements of these Regulations.

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(5) Part 6 (Use for trade of regulated measuring instruments) applies to instruments to which sub-paragraph (2) applies as it applies to a regulated measuring instrument placed on the market or put into use after the commencement date.

(6) A certificate granted under any provision of the former law has effect as if granted under the corresponding provision of these Regulations.

(7) An application to be recognised as a notified body which is made before the commencement date is to be treated as having been made under these Regulations if it meets the requirements of these Regulations.

(8) Except in a case where paragraph (7) applies, a requirement of these Regulations (“the relevant requirement”) is to be treated as having been satisfied by anything done on or after 20th April 2016 but before the commencement date where that thing—

- (a) was done for the purposes of complying with a requirement of the Directive; and
- (b) if it had been done on or after the commencement date it would have met the relevant requirement.

(9) Regulation 77 (offences by economic operators etc.) does not apply to the putting into use of—

- (a) an instrument to which paragraph (2) applies; or
- (b) an instrument of a kind which is listed in Schedule 2 (measuring instruments which may continue to be put into use).

### **Amendments to the Consumer Rights Act 2015**

3.—(1) Schedule 5 to the Consumer Rights Act 2015 is amended as follows.

(2) After paragraph 3(1)(g), add—

- “(ga) the Department for Infrastructure in Northern Ireland;
- “(gb) the Utility Regulator in Northern Ireland.”

(3) Omit the following entries from the list in paragraph 10—

- (a) “regulation 17 of the Measuring Instruments (Automatic Discontinuous Totalisers) Regulations 2006 (SI 2006/1255);”;
- (b) “regulation 18 of the Measuring Instruments (Automatic Rail-weighbridges) Regulations 2006 (SI 2006/1256);”;
- (c) “regulation 20 of the Measuring Instruments (Automatic Catchweighers) Regulations 2006 (SI 2006/1257);”;
- (d) “regulation 18 of the Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006 (SI 2006/1258);”;
- (e) “regulation 18 of the Measuring Instruments (Beltweighers) Regulations 2006 (SI 2006/1259);”;
- (f) “regulation 16 of the Measuring Instruments (Capacity Serving Measures) Regulations 2006 (SI 2006/1264);”;
- (g) “regulation 17 of the Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006 (SI 2006/1266);”;
- (h) “regulation 16 of the Measuring Instruments (Material Measures of Length) Regulations 2006 (SI 2006/1267);”;
- (i) “regulation 17 of the Measuring Instruments (Cold-water Meters) Regulations 2006 (SI 2006/1268);”;
- (j) “regulation 18 of the Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations 2006 (SI 2006/1269);”.

- (4) In the list in paragraph 10 at the appropriate place insert—  
“regulations 70 of the Measuring Instruments Regulations 2016 (SI 2016/1153);”.

#### **Modifications to the application of the Gas Act 1986**

4.—(1) Section 17 of the Gas Act 1986<sup>(1)</sup> (meter testing and stamping) has effect in its application to a meter which is a regulated measuring instrument under regulation 3(2)(b) subject to paragraphs (2) to (4) below.

(2) If the meter is put into use within the meaning of and in accordance with these Regulations (or, prior to commencement date, the Measuring Instruments (Gas Meters) Regulations 2006<sup>(2)</sup>), it is to be deemed for the purposes of section 17(1) and (11) to have been stamped.

(3) Subsections (2)(b) and (3) to (5) must be disregarded.

(4) Sub-paragraphs (2) and (3) do not apply if the error of measurement of the meter exceeds—

- (a) in relation to a Class 1.5 gas meter within the meaning of Annex IV to the Directive, twice the maximum permissible error as set out in relation to that class, in Table 1 in paragraph 2.1 of Annex IV to the Directive;
- (b) in relation to a Class 1.0 gas meter within the meaning of Annex IV to the Directive, the maximum permissible error as set out, in relation to that class, in Table 1 in paragraph 2.1 of Annex IV;

(5) The Gas (Meters) Regulations 1983<sup>(3)</sup> do not apply to a meter which is a regulated measuring instrument except for regulation 4 and (so far as is necessary for the interpretation of that regulation) regulation 2.

(6) In regulation 4 of those Regulations—

- (a) references, however expressed, to a meter stamped under section 30 of the Gas Act 1972<sup>(4)</sup> (which provision is re-enacted in section 17 of the Gas Act 1986) shall be construed as references to a meter bearing the CE marking and M marking;
- (b) references to a stamp shall be construed as including references to those markings; and
- (c) references to the standard or standards prescribed by regulation 3 of those Regulations shall be construed as—
  - (i) in relation to a class 1.5 gas meter within the meaning of Annex IV to the Directive, twice the maximum permissible error as set out, in relation to that class, in Table 1 in paragraph 2.1 of Annex IV;
  - (ii) in relation to a Class 1.0 gas meter within the meaning of Annex IV to the Directive, the maximum permissible error as set out, in relation to that class, in Table 1 in paragraph 2.1 of Annex IV.

#### **Modifications to the application of the Gas (Northern Ireland) Order 1996**

5.—(1) Article 22 of the Gas (Northern Ireland) Order 1996<sup>(5)</sup> (meter testing and stamping) has effect in its application to a meter which is a regulated measuring instrument subject to paragraphs (2) to (4) below.

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(1) 1986 c.44. Section 17 was substituted by paragraph 13 of Schedule 3 to the Gas Act 1995 (c.45).  
(2) S.I. 2006/2647.  
(3) S.I.1983/684.  
(4) 1972 c.60.  
(5) S.I. 1996 No. 275 (N.I. 2).

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(2) If the meter is put into use within the meaning of and in accordance with these Regulations (or prior to the commencement date, the Measuring Instruments (Gas Meters) Regulations 2006), it shall for the purposes of article 22(1) and (10), be deemed to have been stamped.

(3) Article 22(2) (insofar as it relates to the duty of a meter examiner to stamp, or authorise the stamping, of a meter) and (3) to (5) must be disregarded.

(4) Paragraphs (2) and (3) do not apply if the error of measurement of the meter exceeds—

- (a) in relation to a Class 1.5 gas meter within the meaning of Annex IV to the Directive, twice the maximum permissible error as set out, in relation to that class, in Table 1 in paragraph 2.1 of Annex IV;
- (b) in relation to a Class 1.0 relevant instrument within the meaning of Annex IV to the Directive, the maximum permissible error as set out, in relation to that class, in Table 1 in paragraph 2.1 of Annex IV.

### **Modifications to the application of the Electricity Act 1989**

6.—(1) Schedule 7 to the Electricity Act 1989<sup>(6)</sup> (use etc. of electricity meters) has effect in its application to a meter which is a regulated measuring instrument under regulation 3(2)(c) subject to paragraphs (2) to (4) below.

(2) If the meter is put into use within the meaning of and in accordance with these Regulations (or, prior to the commencement date was put into use within the meaning of and in accordance with the Measuring Instruments (Active Electrical Energy Meters) Regulations 2006<sup>(7)</sup>), it shall, for the purpose of paragraphs 2(1)(a), 3(1)(a) and 9(3) of the Schedule, be deemed to be of an approved pattern or construction and installed in an approved manner; and the following rules apply—

- (a) for the purposes of paragraphs 2(1)(b) and 3(1)(b) of the Schedule, the meter shall be deemed to be certified under paragraph 5;
- (b) for the purpose of the application of paragraphs 7(1)(c) and (2) and 9(3) and (4) of the Schedule, “prescribed margins of error” shall mean the maximum permissible error as set out in paragraph 3 of Annex V to the Directive.

(3) Paragraphs 5(2)(a) and 7(1)(b) of Schedule 7 must be disregarded.

(4) Sub-paragraph (2)(a) above does not apply if the error of measurement of the meter exceeds the maximum permissible error as set out in paragraph 3 of Annex V to the Directive.

(5) If a meter which is a regulated measuring instrument is put into use within the meaning of and in accordance with these Regulations—

- (a) regulation 10 of the Meters (Certification) Regulations 1998<sup>(8)</sup>; and
- (b) regulation 3 of the Meters (Approval of Pattern or Construction and Manner of Installation) Regulations 1998<sup>(9)</sup>,

do not apply to the meter.

### **Modifications to the application of the Electricity (Northern Ireland) Order 1992**

7.—(1) Schedule 7 to the Electricity (Northern Ireland) Order 1992<sup>(10)</sup> (use etc. of electricity meters) has effect in its application to a meter which is a regulated measuring instrument subject to paragraphs (2) to (4) below.

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(6) 1989 c.30  
 (7) S.I. 2006/1679.  
 (8) S.I. 1998/1566.  
 (9) S.I. 1998/1565.  
 (10) S.I. 1992 No 231(N.I. 1).

(2) If the meter is put into use within the meaning of and in accordance with these Regulations (or, prior to the commencement date was put into use under the Measuring Instruments (Active Electrical Energy Meters) Regulations 2006), it shall, for the purpose of paragraphs 3(1)(a), 4(1)(a) and 10(3) of the Schedule, be deemed to be of an approved pattern or construction and installed in an approved manner; and the following rules shall apply—

(a) for the purposes of paragraphs 3(1)(b) and 4(1)(b), the meter shall be deemed to be certified under paragraph 6; and

(b) for the purpose of the application of paragraphs 8(1)(c) and (2) and 10(3) and (4), “prescribed margins of error” shall mean the maximum permissible error as set out in paragraph 3 of Annex V to the Directive.

(3) Paragraphs 6(2)(a) and 8(1)(b) of Schedule 7 must be disregarded.

(4) Paragraph (2)(a) above does not apply if the error of measurement of the meter exceeds the maximum permissible error as set out in paragraph 3 of Annex V to the Directive.

(5) If a meter which is a regulated measuring instrument is put into use within the meaning of and in accordance with these Regulations—

(a) regulation 10 of the Meters (Certification) Regulations (Northern Ireland) 1998<sup>(11)</sup>; and

(b) regulation 3 of the Meters (Approval of Pattern or Construction and Manner of Installation) Regulations (Northern Ireland) 1998<sup>(12)</sup>,

do not apply to the meter.

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<sup>(11)</sup> S.R.N.I. 1998 No. 444.

<sup>(12)</sup> S.R.N.I. 1998 No. 443.