
STATUTORY INSTRUMENTS

2016 No. 1153

WEIGHTS AND MEASURES

The Measuring Instruments Regulations 2016

Made - - - - 29th November 2016

Laid before Parliament 6th December 2016

Coming into force - - 28th December 2016

^{M1M2}The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to, and for purposes ancillary to, the regulation of specifications, construction, placing on the market and use of articles, instruments, containers or other equipment intended for weighing, measuring or testing.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Secretary of State that it is expedient for certain references to provisions of EU instruments to be construed as references to those provisions as amended from time to time.

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A ^{M3} of Schedule 2 to that Act and, in relation to Part 6 of the Regulations (and any other provisions of these Regulations to the extent that they apply to, or give effect to, Part 6), in exercise of powers conferred by sections 15(1) and 86(1) of the Weights and Measures Act 1985 ^{M4}.

Modifications etc. (not altering text)

- C1** Regulations modified (E.W.S.) (19.6.2021) by [The Conformity Assessment \(Mutual Recognition Agreements\) and Weights and Measures \(Intoxicating Liquor\) \(Amendment\) Regulations 2021](#) (S.I. 2021/730), regs. 1, 4, [Sch. 1 para. 7](#)
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Marginal Citations

- M1** [S.I. 1975/427](#).
M2 [1972 c.68](#). Section 2(2) was amended by the [Legislative and Regulatory Reform Act 2006](#) (c.51), [section 27\(1\)](#) and the [European Union \(Amendment\) Act 2008](#) (c.7), [Schedule](#), Part 1.
M3 [Paragraph 1A](#) of Schedule 2 was inserted by section 28 of the [Legislative and Regulatory Reform Act 2006](#) and amended by the [European Union \(Amendment\) Act 2008](#), [Schedule](#), Part 1.
M4 [1985 c.72](#).

PART 1

INTRODUCTORY

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Measuring Instruments Regulations 2016.
- (2) These Regulations come into force on 28th December 2016.
- (3) These Regulations extend to Northern Ireland except Part 6.

Interpretation **E+W+S**

- 2.—(1) In these Regulations—

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

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“active electrical energy meter” means a device which measures the active electrical energy consumed in a circuit which is intended for residential, commercial or light industrial use;

[^{F3}“approved body” has the meaning given to it in regulation 53 (approved bodies);]

“authorised representative” means any person established [^{F4}in the United Kingdom] who has received a written mandate from a manufacturer to act on the manufacturer's behalf in relation to specified tasks;

“automatic weighing instrument” means an instrument that—

- (a) determines the mass of a product without the intervention of an operator; and
- (b) follows a predetermined programme of automatic processes characteristic of the instrument intended to determine the mass of a body by using the action of gravity on that body;

“automatic gravimetric filling instrument” means an automatic weighing instrument that fills containers with a predetermined and virtually constant mass of product from bulk;

“automatic catchweigher” means an automatic weighing instrument that determines the mass of pre-assembled discrete loads (for example pre-packages) or single loads of loose material;

“automatic checkweigher” means an automatic catchweigher which sub-divides articles of different mass into two or more sub-groups according to the value of the difference between their mass and the nominal set point;

“automatic discontinuous totaliser” means an automatic weighing instrument that—

- (a) determines the mass of a bulk product by dividing the product into discrete loads;
- (b) determines in sequence and sums the mass of each discrete load; and
- (c) delivers each discrete load to bulk;

“automatic rail-weighbridge” means an automatic weighing instrument having a load receptor inclusive of rails for conveying railway vehicles;

“automatic weight grading instrument” means an instrument which sub-divides articles of different mass into several sub-groups, each characterised by a given mass range;

“beltweigher” means an automatic weighing instrument that continuously determines the mass of a bulk product on a conveyor belt without systematic subdivision of the product without interrupting the movement of the conveyor belt;

“capacity serving measure” means a capacity serving measure (such as a drinking glass, jug or thimble measure) designed to determine a specified volume of a liquid (other than a pharmaceutical product) which is sold for immediate consumption;

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“commencement date” means the date referred to in regulation 1(2);

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“competent authority” means any person who is pursuant to regulation 67 (enforcement of the Regulations), authorised to enforce these Regulations;

“compliance notice” means a notice served in accordance with regulation 68(2);

“conformity assessment” means the process demonstrating whether the essential requirements relating to a [F7regulated] measuring instrument have been met;

“conformity assessment body” means a body that performs conformity assessment activities including calibration, testing, certification and inspection;

[F8“declaration of conformity” means a declaration of conformity required to be drawn up in accordance with chapter 3 of Part 4;]

[F8“designated standard” has the meaning given to it in regulation 2A;]

[F8“design examination certificate” means a design certificate issued by an approved body in accordance with Module H1 in Schedule 1B]

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“the Directive” means Directive 2014/32/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of measuring instruments^{M5} and references to the Directive (or a specific provision of it) are references to the Directive (or that provision) as from time to time amended;

[F10“disqualification mark” means a marking in the form set out in paragraph 1 of Schedule A1;]

“distributor” means any person in the supply chain, other than a manufacturer or an importer, who makes a [F11regulated] measuring instrument available on the market;

“economic operator” means a manufacturer, authorised representative, importer or distributor;

“enforcement notice” means a notice served in accordance with regulation 69(2);

“enforcement officer” means—

- (a) an inspector; or
- (b) a person appointed by the Secretary of State to act on the Secretary of State's behalf to enforce these Regulations;

“essential requirements” means, in relation to a [F12regulated] measuring instrument (or a class of that measuring instrument), the requirements specified as being applicable in relation to that measuring instrument (or that class) in Schedule [F131A and 1C to 1J];

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“exhaust gas analyser” means a [F17regulated] measuring instrument that serves, in relation to a motor vehicle engine with spark ignition, to determine at the moisture level of the sample analysed the volume fractions of the following exhaust gas components—

- (a) carbon monoxide;
- (b) carbon dioxide;
- (c) oxygen; and
- (d) hydrocarbons;

“gas meter” means an instrument designed to measure, memorise and display the quantity of fuel gas (volume or mass) that has passed it which is intended for residential, commercial or light industrial use;

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[^{F19}“importer” means a person who—

- (a) is established in the United Kingdom and places a regulated measuring instrument from a country outside of the United Kingdom on the market; or
- (b) is established in Northern Ireland and places a regulated measuring instrument on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state;]

“in writing” includes text that is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference;

“M marking” means a marking applied to a [^{F20}regulated] measuring instrument which consists of the capital letter ‘M’ and the last two digits of the year of its affixing surrounded by a rectangle, the height of which is equal to that of the [^{F21}UK] marking applied to that instrument;

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“make available on the market” means any supply of a [^{F23}regulated] measuring instrument for distribution, or use on [^{F24}market of Great Britain] in the course of a commercial activity, whether in return for payment or free of charge, and related expressions are to be construed accordingly;

“manufacturer” means a person who—

- (a) manufactures a [^{F25}regulated] measuring instrument, or has a [^{F25}regulated] measuring instrument designed or manufactured, and markets that [^{F25}regulated] measuring instrument under their name or trade mark; or
- (b) is to be treated as a manufacturer by virtue of regulation 6(2);

“market surveillance authority” means the Secretary of State acting in the capacity of the market surveillance authority pursuant to the designation made by regulation 62 (the market surveillance authority) ^{F26}...;

“material measure” means—

- (a) a material measure of length; or
- (b) a capacity serving measure;

“material measure of length” means an instrument comprising scale marks whose distances are given in legal units of length;

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“non-water liquid measuring system” means a measuring system for the continuous and dynamic measurement of quantities of liquids other than water where—

- (a) the system comprises a meter and all devices required to ensure correct measurement or intended to facilitate the measuring operations; and
- (b) the expression “meter” means an instrument designed to measure continuously, memorise and display the quantity at metering conditions of liquid flowing through the measurement transducer in a closed, fully charged conduit;

“normative document” means a document containing technical specifications adopted by the International Organisation of Legal Metrology;

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“place on the market” means the first making available of a [^{F32}regulated] instrument on the market [^{F33}of Great Britain] and related expressions are to be construed accordingly;

“putting into use” means the first use of a [^{F34}regulated] measuring instrument intended for the end-user for the purposes for which it was intended and related expressions are to be construed accordingly;

“RAMS” means Regulation (EC) 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93^{M6} (as from time to time amended);

“recall” means any measure aimed at achieving the return of a regulated measuring instrument that has already been made available to the end-user and related expressions are to be construed accordingly;

“regulated measuring instrument” means an instrument of the kind referred to in regulation 3(2);

“relevant conformity assessment procedure” means, in relation to a particular [^{F35}regulated] measuring instrument, a conformity assessment procedure specified in [^{F36}Schedules 1C to 1J] as being applicable to that instrument;

“relevant economic operator” means, in relation to a [^{F37}regulated] measuring instrument, an economic operator with obligations in respect of that [^{F37}regulated] measuring instrument under Part 2;

[^{F38}“re-qualification mark” means a marking in the form set out in paragraph 2 of Schedule A1;]

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“taximeter” means a device that works together with a signal generator to make a [^{F40}regulated] measuring instrument with the device measuring duration, calculating distance on the basis of a signal delivered by the distance signal generator and calculating and displaying the fare to be paid for a trip on the basis of the calculated distance or the measured duration of the trip, or both;

“technical documentation” means documentation prepared in accordance with Chapter 2 of Part 4;

“technical specification” means a document that prescribes technical requirements to be fulfilled by a [^{F41}regulated] measuring instrument;

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[^{F43}“type examination certificate” means a type examination certificate issued by an approved body in accordance with Module B in Schedule 1B;]

[^{F43}“UK marking” means the marking in the form set out in Annex 2 of RAMS;]

[^{F43}“UK national accreditation body” means the body appointed by the Secretary of State in accordance with Article 4 of RAMS;]

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“water meter” means an instrument designed to measure, memorise and display, the volume at metering conditions of water passing through the measurement transducer for the measurement of volumes of clean, cold or heated water intended for residential, commercial or light industrial use

“weights and measures authority” means a local weights and measures authority within the meaning set out in section 69 of the Weights and Measures Act 1985 ^{M7}; and

“withdraw”, when used in relation to a [^{F47}regulated] measuring instrument, means taking any measure aimed at preventing a [^{F47}regulated] measuring instrument in the supply chain from being made available on the market and related expressions are to be construed accordingly.

[^{F48}(1A) Schedules 1A to 1J reproduce the provisions of Annexes I to V, VII to X and XII to the Directive (respectively) with amendments to correct deficiencies in retained EU law.

(1B) A reference to a provision of Schedules 1A to 1J is a reference to the equivalent provision of the relevant Annex to the Directive as set out in the relevant Schedule.]

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(3) Other expressions used in these Regulations have in relation to the application of these Regulations to—

- (a) Great Britain, the same meanings as in the Weights and Measures Act 1985; and
- (b) Northern Ireland, the same meanings as it the Weights and Measures (Northern Ireland) Order 1981 ^{M8}.

Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F1** Words in [reg. 2\(1\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 2\(2\)\(a\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in [reg. 2\(1\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 2\(2\)\(b\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in [reg. 2\(1\)](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 2\(2\)\(c\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in [reg. 2\(1\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1460), reg. 1(2), [Sch. 5 para. 1\(4\)\(b\)](#)

- F5** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(e)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(f)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Word in reg. 2(1) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(g)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in reg. 2(1) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(h)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(i)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in reg. 2(1) substituted (9.12.2021) by The Product Safety and Metrology etc. (Amendment) Regulations 2021 (S.I. 2021/1273), regs. 1, **6(2)(a)**
- F11** Word in reg. 2(1) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(j)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Word in reg. 2(1) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(k)(i)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in reg. 2(1) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(k)(ii)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(l)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(m)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(n)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F17** Word in reg. 2(1) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(o)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(p)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F19** Words in reg. 2(1) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(q)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), **Sch. 3 para. 19(2)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F20** Word in reg. 2(1) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(r)(i)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F21** Word in reg. 2(1) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(r)(ii)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

- F22** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(s)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F23** Word in reg. 2(1) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(t)(i)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F24** Words in reg. 2(1) substituted (E.W.S.) (31.12.2020) by S.I. 2019/696, Sch. 27 para. 2(2)(t)(ii) (as substituted by The Product Safety and Metrology etc. (Amendment to Extent and Meaning of Market) (EU Exit) Regulations 2020 (S.I. 2020/676), regs. 1(1), **4(15)(a)**)
- F25** Word in reg. 2(1) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(u)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F26** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(v)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F27** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(w)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F28** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(x)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F29** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(y)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F30** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(z)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F31** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(aa)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F32** Word in reg. 2(1) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(bb)(i)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F33** Words in reg. 2(1) substituted (E.W.S.) (31.12.2020) by S.I. 2019/696, Sch. 27 para. 2(2)(bb)(ii) (as substituted by The Product Safety and Metrology etc. (Amendment to Extent and Meaning of Market) (EU Exit) Regulations 2020 (S.I. 2020/676), regs. 1(1), **4(15)(b)**)
- F34** Word in reg. 2(1) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(cc)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F35** Word in reg. 2(1) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(dd)(i)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F36** Words in reg. 2(1) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(dd)(ii)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F37** Word in reg. 2(1) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(ee)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F38** Words in reg. 2(1) substituted (9.12.2021) by The Product Safety and Metrology etc. (Amendment) Regulations 2021 (S.I. 2021/1273), regs. 1, **6(2)(b)**
- F39** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(ff)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

- F40** Word in reg. 2(1) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(gg)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F41** Word in reg. 2(1) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(hh)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F42** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(jj)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F43** Words in reg. 2(1) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(ii)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F44** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(kk)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F45** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(ll)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F46** Words in reg. 2(1) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(mm)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F47** Word in reg. 2(1) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(2)(nn)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F48** Reg. 2(1A)(1B) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(3)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F49** Reg. 2(2) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 2(4)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M5** OJ L 96, 29.3.2014, p.149.
- M6** OJ L 218, 13.8.2008, p.30.
- M7** 1985 c.72; section 69 was amended by the Statute Law (Repeals) Act 1989 (c.43), **Schedule 1**, the Local Government etc. (Scotland) Act 1994 (c.39), **Schedule 13**, paragraph 144 and the Local Government (Wales) Act 1994 (c.19), **Schedule 16**, paragraph 75.
- M8** S.I. 1981/231 (N.I. 10).

Interpretation **N.I.**

2.—(1) In these Regulations—

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

“accreditation” bears the same meaning as in point 10 of Article 2 of RAMS;

“accreditation certificate” means a certificate, issued by the United Kingdom Accreditation Service or a national accreditation body in another [^{F232}relevant] state, attesting that a conformity assessment body meets the notified body requirements;

“active electrical energy meter” means a device which measures the active electrical energy consumed in a circuit which is intended for residential, commercial or light industrial use;

“authorised representative” means any person established within the [F²³³ relevant market] who has received a written mandate from a manufacturer to act on the manufacturer's behalf in relation to specified tasks;

“automatic weighing instrument” means an instrument that—

- (a) determines the mass of a product without the intervention of an operator; and
- (b) follows a predetermined programme of automatic processes characteristic of the instrument intended to determine the mass of a body by using the action of gravity on that body;

“automatic gravimetric filling instrument” means an automatic weighing instrument that fills containers with a predetermined and virtually constant mass of product from bulk;

“automatic catchweigher” means an automatic weighing instrument that determines the mass of pre-assembled discrete loads (for example pre-packages) or single loads of loose material;

“automatic checkweigher” means an automatic catchweigher which sub-divides articles of different mass into two or more sub-groups according to the value of the difference between their mass and the nominal set point;

“automatic discontinuous totaliser” means an automatic weighing instrument that—

- (a) determines the mass of a bulk product by dividing the product into discrete loads;
- (b) determines in sequence and sums the mass of each discrete load; and
- (c) delivers each discrete load to bulk;

“automatic rail-weighbridge” means an automatic weighing instrument having a load receptor inclusive of rails for conveying railway vehicles;

“automatic weight grading instrument” means an instrument which sub-divides articles of different mass into several sub-groups, each characterised by a given mass range;

“beltweigher” means an automatic weighing instrument that continuously determines the mass of a bulk product on a conveyor belt without systematic subdivision of the product without interrupting the movement of the conveyor belt;

“capacity serving measure” means a capacity serving measure (such as a drinking glass, jug or thimble measure) designed to determine a specified volume of a liquid (other than a pharmaceutical product) which is sold for immediate consumption;

“CE marking” means a marking which takes the form set out in Annex II of RAMS;

“commencement date” means the date referred to in regulation 1(2);

“Commission” means the Commission of the European Union;

“competent authority” means any person who is pursuant to regulation 67 (enforcement of the Regulations), authorised to enforce these Regulations;

“compliance notice” means a notice served in accordance with regulation 68(2);

“conformity assessment” means the process demonstrating whether the essential requirements relating to a measuring instrument have been met;

“conformity assessment body” means a body that performs conformity assessment activities including calibration, testing, certification and inspection;

“dimensional measuring instrument” means—

- (a) a length measuring instrument that serves for the determination of the length of rope type materials (for example textiles, bands, cables) during feed motion of the product to be measured;
- (b) an area measuring instrument which serves for the determination of the area of irregular shaped objects, for example for leather; or

- (c) a multi-dimensional measuring instrument which serves for the determination of the edge length (length, height, width) of the smallest enclosing rectangular parallelepiped of a product;

“the Directive” means Directive 2014/32/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of measuring instruments ^{F234} and references to the Directive (or a specific provision of it) are references to the Directive (or that provision) as from time to time amended;

[^{F10}“disqualification mark” means a marking in the form set out in paragraph 1 of Schedule A1;]

“distributor” means any person in the supply chain, other than a manufacturer or an importer, who makes a measuring instrument available on the market;

“economic operator” means a manufacturer, authorised representative, importer or distributor;

“enforcement notice” means a notice served in accordance with regulation 69(2);

“enforcement officer” means—

- (a) an inspector; or
- (b) a person appointed by the Secretary of State to act on the Secretary of State's behalf to enforce these Regulations;

“essential requirements” means, in relation to a measuring instrument (or a class of that measuring instrument), the requirements specified as being applicable in relation to that measuring instrument (or that class) in Schedule 1;

“EU declaration of conformity” means a declaration of conformity required to be drawn up in accordance with chapter 3 of Part 4;

“EU-design examination certificate” means an EU-design certificate issued by a notified body in accordance with Module H1 of Annex II to the Directive;

“EU-type examination certificate” means an EU-type examination certificate issued by a notified body in accordance with Module B of Annex II to the Directive;

“exhaust gas analyser” means a measuring instrument that serves, in relation to a motor vehicle engine with spark ignition, to determine at the moisture level of the sample analysed the volume fractions of the following exhaust gas components—

- (a) carbon monoxide;
- (b) carbon dioxide;
- (c) oxygen; and
- (d) hydrocarbons;

“gas meter” means an instrument designed to measure, memorise and display the quantity of fuel gas (volume or mass) that has passed it which is intended for residential, commercial or light industrial use;

“harmonised standard” has the meaning set out in point 1(c) of Article 2 of Regulation (EU) 1025/2012 of the European Parliament and of the Council on European standardisation ^{F235} (as amended from time to time);

“importer” means any person who—

- (a) is established within the [^{F236}relevant market] ; and
- (b) places a measuring instrument from a [^{F237}market outside of the relevant market on the relevant] market;

“in writing” includes text that is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference;

“M marking” means a marking applied to a measuring instrument which consists of the capital letter ‘M’ and the last two digits of the year of its affixing surrounded by a rectangle, the height of which is equal to that of the CE marking applied to that instrument;

“measuring instrument” has the meaning in regulation 3(1);

“make available on the market” means any supply of a measuring instrument for distribution, or use on the [^{F238}relevant] market in the course of a commercial activity, whether in return for payment or free of charge, and related expressions are to be construed accordingly;

“manufacturer” means a person who—

- (a) manufactures a measuring instrument, or has a measuring instrument designed or manufactured, and markets that measuring instrument under their name or trade mark; or
- (b) is to be treated as a manufacturer by virtue of regulation 6(2);

“market surveillance authority” means the Secretary of State acting in the capacity of the market surveillance authority pursuant to the designation made by regulation 62 (the market surveillance authority) and where the context requires includes a market surveillance authority in another [^{F239}relevant] state;

“material measure” means—

- (a) a material measure of length; or
- (b) a capacity serving measure;

“material measure of length” means an instrument comprising scale marks whose distances are given in legal units of length;

“national accreditation body” means the national accreditation body as defined in point 11 of Article 2 of RAMS;

[^{F240}“NI Protocol obligation” means any obligation created or arising by or under the Protocol on Ireland/ Northern Ireland in the EU withdrawal agreement, whether or not an obligation to which section 7A(2) of the European Union (Withdrawal) Act 2018 applies;]

“non-prescribed measuring instrument” means a measuring instrument of a kind referred to in regulation 3(3);

“non-water liquid measuring system” means a measuring system for the continuous and dynamic measurement of quantities of liquids other than water where—

- (a) the system comprises a meter and all devices required to ensure correct measurement or intended to facilitate the measuring operations; and
- (b) the expression “meter” means an instrument designed to measure continuously, memorise and display the quantity at metering conditions of liquid flowing through the measurement transducer in a closed, fully charged conduit;

“normative document” means a document containing technical specifications adopted by the International Organisation of Legal Metrology;

“notified body” means a conformity assessment body that has been notified to the Commission in accordance with Part 5 and includes, where the context so requires, a notified body designated as such in another [^{F241}relevant] state in accordance with the Directive;

“notified body requirements” means the requirements set out in Schedule 5 (notified body requirements);

“notifying authority” means the notifying authority within the meaning of regulation 54 (the notifying authority)

“place on the market” means the first making available of a measuring instrument on the [F242relevant market] and related expressions are to be construed accordingly;

“putting into use” means the first use of a measuring instrument intended for the end-user for the purposes for which it was intended and related expressions are to be construed accordingly;

“RAMS” means Regulation (EC) 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93^{F243} (as from time to time amended);

“recall” means any measure aimed at achieving the return of a regulated measuring instrument that has already been made available to the end-user and related expressions are to be construed accordingly;

“regulated measuring instrument” means an instrument of the kind referred to in regulation 3(2);

“relevant conformity assessment procedure” means, in relation to a particular measuring instrument, a conformity assessment procedure specified in Schedule 1 as being applicable to that instrument;

“relevant economic operator” means, in relation to a measuring instrument, an economic operator with obligations in respect of that measuring instrument under Part 2;

[F244“relevant market” means—

- (a) the market in Northern Ireland; and
- (b) the market of the EEA states;]

[F244“relevant state” means—

- (a) Northern Ireland; or
- (b) any EEA state;]

[F38“re-qualification mark” means a marking in the form set out in paragraph 2 of Schedule A1;]

“sub-assembly” means a hardware device mentioned as such in the instrument-specific annexes to the Directive that functions independently and makes up a measuring instrument together with other sub-assemblies with which it is compatible, or with a measuring instrument with which it is compatible;

“taximeter” means a device that works together with a signal generator to make a measuring instrument with the device measuring duration, calculating distance on the basis of a signal delivered by the distance signal generator and calculating and displaying the fare to be paid for a trip on the basis of the calculated distance or the measured duration of the trip, or both;

“technical documentation” means documentation prepared in accordance with Chapter 2 of Part 4;

“technical specification” means a document that prescribes technical requirements to be fulfilled by a measuring instrument;

“thermal energy meter” means an instrument designed to measure the thermal energy which, in a thermal energy exchange circuit, is given up by a liquid called the thermal energy-conveying liquid which is intended for residential, commercial or light industrial use and includes the following sub-assemblies, flow sensors, temperature sensor pairs and calculators where these are manufactured separately;

[^{F245}“UK(NI) indication” means the marking in the form set out in Schedule 1 to the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020;]

“Union harmonisation legislation” means any European Union legislation harmonising the conditions for the marketing of products;

“United Kingdom Accreditation Service” means the company limited by guarantee incorporated in England and Wales under number 3076190;

“volume conversion device” means a device fitted to a gas meter that automatically converts the quantity measured at metering conditions into a quantity at the specified conditions to which the measured quantity of fluid is converted;

“water meter” means an instrument designed to measure, memorise and display, the volume at metering conditions of water passing through the measurement transducer for the measurement of volumes of clean, cold or heated water intended for residential, commercial or light industrial use

“weights and measures authority” means a local weights and measures authority within the meaning set out in section 69 of the Weights and Measures Act 1985 ^{F246}; and

“withdraw”, when used in relation to a measuring instrument, means taking any measure aimed at preventing a measuring instrument in the supply chain from being made available on the market and related expressions are to be construed accordingly.

(2) A regulated measuring instrument that meets the requirements of the Directive by virtue of the laws of another [^{F247}relevant] state is to be treated as meeting the requirements of these Regulations (except any requirement of these Regulations for anything to be written in English) and references to a regulated measuring instrument being in conformity with these Regulations are to be construed accordingly.

(3) Other expressions used in these Regulations have in relation to the application of these Regulations to—

- (a) Great Britain, the same meanings as in the Weights and Measures Act 1985; and
- (b) Northern Ireland, the same meanings as in the Weights and Measures (Northern Ireland) Order 1981 ^{F248}.

Extent Information

E64 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F10 Words in [reg. 2\(1\)](#) substituted (9.12.2021) by [The Product Safety and Metrology etc. \(Amendment\) Regulations 2021 \(S.I. 2021/1273\)](#), regs. 1, [6\(2\)\(a\)](#)

F38 Words in [reg. 2\(1\)](#) substituted (9.12.2021) by [The Product Safety and Metrology etc. \(Amendment\) Regulations 2021 \(S.I. 2021/1273\)](#), regs. 1, [6\(2\)\(b\)](#)

F232 Word in [reg. 2\(1\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), [Sch. 14 para. 2\(1\)\(a\)\(i\)](#)

F233 Words in [reg. 2\(1\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), [Sch. 14 para. 2\(1\)\(b\)](#)

F234 OJ L 96, 29.3.2014, p.149.

F235 OJ L 316, 14.11.2012, p.12.

- F236** Words in [reg. 2\(1\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), **Sch. 14 para. 2(1)(c)(i)**
- F237** Words in [reg. 2\(1\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), **Sch. 14 para. 2(1)(c)(ii)**
- F238** Word in [reg. 2\(1\)](#) substituted (31.12.2020) by [S.I. 2020/1112](#), [Sch. 14 para. 2\(1\)\(e\)](#) (as substituted (N.I.) by [The Product Safety \(Toys and Cosmetics\) and Metrology \(Measuring and Non-automatic Weighing Instruments\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1486\)](#), [regs. 1\(3\)](#), **3(c)(i)**)
- F239** Word in [reg. 2\(1\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), **Sch. 14 para. 2(1)(a)(ii)**
- F240** Words in [reg. 2\(1\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), **Sch. 14 para. 2(1)(d)**
- F241** Word in [reg. 2\(1\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), **Sch. 14 para. 2(1)(a)(iii)**
- F242** Words in [reg. 2\(1\)](#) substituted (31.12.2020) by [S.I. 2020/1112](#), [Sch. 14 para. 2\(1\)\(ea\)](#) (as substituted (N.I.) by [The Product Safety \(Toys and Cosmetics\) and Metrology \(Measuring and Non-automatic Weighing Instruments\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1486\)](#), [regs. 1\(3\)](#), **3(c)(ii)**)
- F243** [OJ L 218](#), 13.8.2008, p.30.
- F244** Words in [reg. 2\(1\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), **Sch. 14 para. 2(1)(f)**
- F245** Words in [reg. 2\(1\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), [reg. 1\(2\)](#), **Sch. 2 para. 12(2)**
- F246** [1985 c.72](#); section 69 was amended by the [Statute Law \(Repeals\) Act 1989 \(c.43\)](#), **Schedule 1**, the [Local Government etc. \(Scotland\) Act 1994 \(c.39\)](#), **Schedule 13**, paragraph 144 and the [Local Government \(Wales\) Act 1994 \(c.19\)](#), **Schedule 16**, paragraph 75.
- F247** Word in [reg. 2\(2\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), **Sch. 14 para. 2(2)**
- F248** [S.I. 1981/231 \(N.I. 10\)](#).

^{F50}Designated standard

2A.—(1) Subject to paragraphs (6) and (7), in these Regulations a “designated standard” means a technical specification which is—

- (a) adopted by a recognised standardisation body [^{F51}or an international standardising body], for repeated or continuous application, with which compliance is not compulsory; and
- (b) designated by the Secretary of State by publishing the reference to the standard and maintaining that publication in a manner the Secretary of State considers appropriate.

(2) For the purposes of paragraph (1), a “technical specification” means a document that prescribes technical requirements to be fulfilled by a regulated measuring instrument, process, service or system and which lays down one or more of the following—

- (a) the characteristics required of a regulated measuring instrument, including—
 - (i) levels of quality, performance, interoperability, environmental protection, health, safety or dimensions, and

- (ii) the requirements applicable to the regulated measuring instrument as regards the name under which the regulated measuring instrument is sold, terminology, symbols, testing and test methods, packaging, marking or labelling and conformity assessment procedures; and
- (b) production methods and processes relating to the regulated measuring instrument, where these have an effect on the characteristics of the regulated measuring instrument.
- (3) For the purposes of this regulation a “recognised standardisation body” means any one of the following organisations—
- (a) the European Committee for Standardisation (CEN);
 - (b) the European Committee for Electrotechnical Standardisation (Cenelec);
 - (c) the European Telecommunications Standards Institute (ETSI);
 - (d) the British Standards Institution (BSI).
- [
- ^{F52}(3A) In this regulation “international standardising body” has the same meaning as it has for the purposes of the Agreement on Technical Barriers to Trade, part of Annex 1A to the agreement establishing the World Trade Organisation signed at Marrakesh on 15 April 1994 (as modified from time to time).]
- (4) When considering whether the manner of publication of a reference is appropriate in accordance with paragraph (1)(b), the Secretary of State must have regard to whether the publication will draw the standard to the attention of any person who may have an interest in the standard.
- (5) Before publishing the reference to a technical specification adopted by the British Standards Institution, the Secretary of State must have regard to whether the technical specification is consistent with [^{F53}such] technical specifications adopted by the other recognised standardisation bodies [^{F54}or by international standardising bodies as the Secretary of State considers to be relevant].
- (6) The Secretary of State may remove from publication the reference to a standard which has been published in accordance with paragraph (1)(b).
- (7) Where the Secretary of State removes the reference to a standard from publication, that standard is no longer a designated standard.
- (8) The Secretary of State may by regulations amend paragraph (3) to reflect any changes in the name or structure of the recognised standardisation bodies.
- (9) Regulations made under paragraph (8) are to be made by statutory instrument.
- (10) A statutory instrument containing regulations made under paragraph (9) is subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F50** Reg. 2A inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 27 para. 3** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F51** Words in reg. 2A(1)(a) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(7), **Sch. 4 para. 16(a)**; S.I. 2020/1662, reg. 2(ee)
- F52** Reg. 2A(3A) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(7), **Sch. 4 para. 16(b)**; S.I. 2020/1662, reg. 2(ee)
- F53** Word in reg. 2A(5) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(7), **Sch. 4 para. 16(c)(i)**; S.I. 2020/1662, reg. 2(ee)
- F54** Words in reg. 2A(5) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(7), **Sch. 4 para. 16(c)(ii)**; S.I. 2020/1662, reg. 2(ee)

**Meaning of “^{F55}regulated] measuring instrument” ^{F56}... and application of these
Regulations **E+W+S****

3.—^{F57}(1)

(2) In these Regulations a reference to a regulated measuring instrument means a measuring instrument of any of the following descriptions —

- (a) water meters used for trade for the supply of potable water in the temperature range from 0.1°C to and including 30°C;
- (b) gas meters for use for trade except a gas meter which is used under an agreement providing for the supply of a quantity of gas at a rate of flow which, if measured at a temperature of 15°C and a pressure of 1013.25 millibars, would exceed 1600 cubic meters an hour (or the equivalent quantity in kilograms);
- (c) active electrical energy meters for use for trade other than an instrument which is used under an agreement providing for the supply of active electrical energy where—
 - (i) the maximum quantity supplied exceeds 100 kilowatts per hour; and
 - (ii) the instrument provides measurement on a half-hourly basis;
- (d) non-water liquid measuring systems for use for trade of the following descriptions—
 - (i) a measuring system which is used for the continuous and dynamic measurement in a quantity not exceeding 100 litres or 100 kilograms of a liquid fuel, lubricant or a mixture of fuel and lubricant other than—
 - (aa) liquefied petroleum gas; or
 - (bb) liquefied natural gas;
 - (ii) a measuring system (other than one used in connection with the refuelling of aircraft, ships or hovercraft) which is used for the continuous and dynamic measurement in a quantity exceeding 100 litres or 100 kilograms of liquid fuel delivered from a road tanker other than—
 - (aa) liquefied gases;
 - (bb) lubricating oils;
 - (cc) liquid fuels of a temperature below -153°C; or
 - (dd) liquid fuels of a dynamic viscosity exceeding 100 millipascal seconds at 15°C;
- (e) automatic weighing instruments of the following kinds which are for use for trade—
 - (i) automatic gravimetric filling instruments;
 - (ii) automatic catchweighers (other than automatic checkweighers and automatic weight grading instruments);
 - (iii) automatic rail-weighbridges;
 - (iv) beltweighers; and
 - (v) discontinuous totalisers;
- (f) taximeters intended for use for the protection of consumers;
- (g) material measures which are for use for trade of the following kinds—
 - (i) material measures of length (excluding dipping and strapping tapes);
 - (ii) capacity serving measures for the measurement of draft beer or cider of the following capacities: $\frac{1}{3}$ pint, $\frac{1}{2}$ pint, $\frac{2}{3}$ pint, 1 pint, 2 pints, 4 pints, 8 pints and 16 pints;

- (iii) capacity serving measures for the measurement of liquids other than draft beer or cider^{M9} of the following capacities in millilitres (ml) and litres (l): 5 ml, 10 ml, 20 ml, 25 ml, 35 ml, 50 ml, 70 ml, 100 ml, 125 ml, 150 ml, 175 ml, 200 ml, 250 ml, 500 ml, 1 l, 2 l, 2.5 l, 5 l, 10 l and 20 l;
 - (h) exhaust gas analysers intended for use for the protection of the environment and public health except where the exhaust gas analyser includes or is connected to a device which is not used for the protection of the environment and public health;
- ^{F58}(3)
- (4) These Regulations do not apply to the putting into use of the instruments listed in Schedule 2.

Extent Information

- E2** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F55** Word in [reg. 3](#) heading inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 4\(1\)\(a\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F56** Words in [reg. 3](#) heading omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 4\(1\)\(b\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F57** [Reg. 3\(1\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 4\(2\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F58** [Reg. 3\(3\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 4\(2\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M9** The Weights and Measures (Intoxicating Liquor) Order 1988 ([S.I. 1988/2039](#) amended by [S.I. 1990/1550](#), 1994/1883, 2009/663 and [S.I. 2011/2331](#)) makes provision as to the units of measurement and capacities that may be used in relation to certain intoxicating liquors.

Meaning of “measuring instrument” and related expressions and application of these Regulations **N.I.**

- 3.—(1)** In these Regulations the expression “measuring instruments” comprises the following—
- (a) water meters;
 - (b) gas meters and sub-assemblies for inclusion in, or attachment to, gas meters in the form of volume conversion devices;
 - (c) active electrical energy meters;
 - (d) thermal energy meters and any of the following sub-assemblies—
 - (i) flow sensors;
 - (ii) temperature sensor pairs; and
 - (iii) calculators;
 - (e) non-water liquid measuring systems;

- (f) automatic weighing instruments of the following kinds—
 - (i) automatic catchweighers;
 - (ii) automatic gravimetric filling instruments;
 - (iii) discontinuous totalisers;
 - (iv) beltweighers; and
 - (v) automatic rail weighbridges;
 - (g) taximeters;
 - (h) material measures;
 - (i) dimensional measuring instruments; and
 - (j) exhaust gas analysers.
- (2) In these Regulations a reference to a regulated measuring instrument means a measuring instrument of any of the following descriptions —
- (a) water meters used for trade for the supply of potable water in the temperature range from 0.1°C to and including 30°C;
 - (b) gas meters for use for trade except a gas meter which is used under an agreement providing for the supply of a quantity of gas at a rate of flow which, if measured at a temperature of 15°C and a pressure of 1013.25 millibars, would exceed 1600 cubic meters an hour (or the equivalent quantity in kilograms);
 - (c) active electrical energy meters for use for trade other than an instrument which is used under an agreement providing for the supply of active electrical energy where—
 - (i) the maximum quantity supplied exceeds 100 kilowatts per hour; and
 - (ii) the instrument provides measurement on a half-hourly basis;
 - (d) non-water liquid measuring systems for use for trade of the following descriptions—
 - (i) a measuring system which is used for the continuous and dynamic measurement in a quantity not exceeding 100 litres or 100 kilograms of a liquid fuel, lubricant or a mixture of fuel and lubricant other than—
 - (aa) liquefied petroleum gas; or
 - (bb) liquefied natural gas;
 - (ii) a measuring system (other than one used in connection with the refuelling of aircraft, ships or hovercraft) which is used for the continuous and dynamic measurement in a quantity exceeding 100 litres or 100 kilograms of liquid fuel delivered from a road tanker other than—
 - (aa) liquefied gases;
 - (bb) lubricating oils;
 - (cc) liquid fuels of a temperature below -153°C; or
 - (dd) liquid fuels of a dynamic viscosity exceeding 100 millipascal seconds at 15°C;
 - (e) automatic weighing instruments of the following kinds which are for use for trade—
 - (i) automatic gravimetric filling instruments;
 - (ii) automatic catchweighers (other than automatic checkweighers and automatic weight grading instruments);
 - (iii) automatic rail-weighbridges;
 - (iv) beltweighers; and

- (v) discontinuous totalisers;
 - (f) taximeters intended for use for the protection of consumers;
 - (g) material measures which are for use for trade of the following kinds—
 - (i) material measures of length (excluding dipping and strapping tapes);
 - (ii) capacity serving measures for the measurement of draft beer or cider of the following capacities: $\frac{1}{3}$ pint, $\frac{1}{2}$ pint, $\frac{2}{3}$ pint, 1 pint, 2 pints, 4 pints, 8 pints and 16 pints;
 - (iii) capacity serving measures for the measurement of liquids other than draft beer or cider ^{F249} of the following capacities in millilitres (ml) and litres (l): 5 ml, 10 ml, 20 ml, 25 ml, 35 ml, 50 ml, 70 ml, 100 ml, 125 ml, 150 ml, 175 ml, 200 ml, 250 ml, 500 ml, 1 l, 2 l, 2.5 l, 5 l, 10 l and 20 l;
 - (h) exhaust gas analysers intended for use for the protection of the environment and public health except where the exhaust gas analyser includes or is connected to a device which is not used for the protection of the environment and public health;
- (3) In these Regulations “non-prescribed measuring instruments” are measuring instruments that are neither regulated measuring instruments nor measuring instruments referred to in paragraph (4) and Schedule 2.
- (4) These Regulations do not apply to the putting into use of the instruments listed in Schedule 2.

Extent Information

E65 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F249 The Weights and Measures (Intoxicating Liquor) Order 1988 ([S.I. 1988/2039](#) amended by [S.I. 1990/1550](#), 1994/1883, 2009/663 and [S.I. 2011/2331](#)) makes provision as to the units of measurement and capacities that may be used in relation to certain intoxicating liquors.

Revocations and transitional and consequential provisions

4. Schedule 3 (revocations, and transitional and consequential provisions) has effect.

Exception for trade fairs, exhibitions and demonstration

5. Nothing in these Regulations prevents the showing and use of a regulated measuring instrument which is not in conformity with the requirements of these Regulations at a trade fair, exhibition or demonstration for the marketing of regulated measuring instruments, provided that a visible sign clearly indicates—

- (a) the name and date of the trade fair or exhibition;
- (b) that the instrument is not in conformity with these Regulations; and
- (c) that the instrument is not available for sale until brought into conformity with these Regulations.

PART 2

REGULATED MEASURING INSTRUMENTS – OBLIGATIONS OF ECONOMIC OPERATORS

CHAPTER 1

OBLIGATIONS OF MANUFACTURERS AND PERSONS TO BE TREATED AS MANUFACTURERS

Introductory

6.—(1) This Chapter applies in relation to the placing on the market or the putting into use of a regulated measuring instrument by a manufacturer.

(2) The obligations in this Chapter also apply to an importer or distributor who—

- (a) places a regulated measuring instrument on the market under the name or trade mark of that importer or distributor; or
- (b) modifies a regulated measuring instrument already placed on the market in such a way that compliance with these Regulations may be affected,

and the expression “manufacturer” is to be construed accordingly.

Manufacturers' responsibilities – design, conformity assessment and marking of regulated measuring instruments **E+W+S**

7.—^{F59}(1) A manufacturer must not place on the market or put into use a regulated measuring instrument unless the manufacturer has—

- (a) designed and manufactured the instrument in accordance with the essential requirements;
- (b) drawn up technical documentation in relation to the instrument;
- (c) carried out (or procured the carrying out of) the relevant conformity assessment procedure which has demonstrated compliance of the instrument with the applicable requirements;
- (d) drawn up ^{F60}a] declaration of conformity; and
- (e) affixed to the instrument ^{F61}or where paragraph (2) applies in respect of the UK marking, to a label affixed to a product or to a document accompanying the product]—
 - (i) the ^{F62}UK] marking; and
 - (ii) the M marking.

^{F63}(2) For a period of ^{F64}seven years] beginning with IP completion day, the UK marking may be affixed to—

- (a) a label affixed to the instrument; or
- (b) to a document accompanying the instrument.]

Extent Information

E3 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F59** Reg. 7 renumbered as reg. 7(1) (E.W.S) by S.I. 2019/696, Sch. 27 para. 5(a) (as substituted by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1460), reg. 1(4), **Sch. 3 para. 19(3)**)
- F60** Word in [reg. 7\(1\)\(d\)](#) substituted (E.W.S) (31.12.2020) by S.I. 2019/696, Sch. 27 para. 5(b) (as substituted by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1460), reg. 1(4), **Sch. 3 para. 19(3)**)
- F61** Words in [reg. 7\(1\)\(e\)](#) inserted (E.W.S) (31.12.2020) by S.I. 2019/696, Sch. 27 para. 5(c)(i) (as substituted by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1460), reg. 1(4), **Sch. 3 para. 19(3)**)
- F62** Word in [reg. 7\(1\)\(e\)](#) substituted (E.W.S) (31.12.2020) by S.I. 2019/696, Sch. 27 para. 5(c)(ii) (as substituted by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1460), reg. 1(4), **Sch. 3 para. 19(3)**)
- F63** Reg. 7(2) inserted (E.W.S) by S.I. 2019/696, **Sch. 27 para. 5(d)** (as substituted by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1460), reg. 1(4), **Sch. 3 para. 19(3)**)
- F64** Words in [reg. 7\(2\)](#) substituted (E.W.S.) (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022](#) (S.I. 2022/1393), regs. 1(1), **3, Sch. 2 para. (p)**

Manufacturers' responsibilities – design, conformity assessment and marking of regulated measuring instruments **N.I.**

7. A manufacturer must not place on the market or put into use a regulated measuring instrument unless the manufacturer has—

- (a) designed and manufactured the instrument in accordance with the essential requirements;
- (b) drawn up technical documentation in relation to the instrument;
- (c) carried out (or procured the carrying out of) the relevant conformity assessment procedure which has demonstrated compliance of the instrument with the applicable requirements;
- (d) drawn up an EU declaration of conformity; and
- (e) affixed to the instrument—
 - (i) the CE marking; and
 - (ii) the M marking.

Extent Information

- E66** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Manufacturers – obligations in respect of records

8. A manufacturer must keep the technical documentation and the ^{F65}EU declaration of conformity for a period of 10 years beginning with the day after the day on which the regulated measuring instrument to which it relates has been placed on the market.

Textual Amendments

- F65** Word in [reg. 8](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 27 para. 6](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))

Manufacturers' obligations to ensure continuing conformity with essential requirements **E** **+W+S**

9.—(1) Manufacturers must have procedures in place for series production of regulated measuring instruments by them to ensure that instruments so manufactured continue to meet the essential requirements.

(2) The procedures mentioned in paragraph (1) must adequately take into account changes in—

- (a) measuring instrument design or characteristics; and
- (b) changes in the [^{F66}designated] standards, normative documents or in other technical specifications by reference to which the conformity of the regulated measuring instrument is declared.

(3) When deemed appropriate with regard to the performance of a regulated measuring instrument, manufacturers must—

- (a) carry out sample testing of regulated measuring instruments manufactured by them made available on the market;
- (b) investigate complaints about regulated measuring instruments manufactured by them;
- (c) if necessary, keep a register of—
 - (i) such complaints;
 - (ii) non-conforming measuring instruments; and
 - (iii) measuring instrument recalls; and
- (d) keep distributors informed of any monitoring undertaken by them.

Extent Information

- E4** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F66** Word in [reg. 9\(2\)\(b\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 27 para. 7](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))

Manufacturers' obligations to ensure continuing conformity with essential requirements **N.I.**

9.—(1) Manufacturers must have procedures in place for series production of regulated measuring instruments by them to ensure that instruments so manufactured continue to meet the essential requirements.

(2) The procedures mentioned in paragraph (1) must adequately take into account changes in—

- (a) measuring instrument design or characteristics; and

- (b) changes in the harmonised standards, normative documents or in other technical specifications by reference to which the conformity of the regulated measuring instrument is declared.
- (3) When deemed appropriate with regard to the performance of a regulated measuring instrument, manufacturers must—
 - (a) carry out sample testing of regulated measuring instruments manufactured by them made available on the market;
 - (b) investigate complaints about regulated measuring instruments manufactured by them;
 - (c) if necessary, keep a register of—
 - (i) such complaints;
 - (ii) non-conforming measuring instruments; and
 - (iii) measuring instrument recalls; and
 - (d) keep distributors informed of any monitoring undertaken by them.

Extent Information

E67 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Manufacturers' obligations in relation to the marking of regulated measuring instruments with serial numbers etc.

10.—(1) A manufacturer must ensure that a regulated measuring instrument, which that manufacturer has placed on the market, bears a type, batch or serial number or other element allowing identification of that instrument.

(2) Paragraph (1) does not apply where the dimensions of the regulated measuring instrument are too small or it is of too sensitive a composition to allow it to bear the information required by that paragraph and in such a case the information must be marked on the instrument's packaging (if any) and the accompanying documents required by these Regulations.

Manufacturers to mark contact details on regulated measuring instruments where possible **E+W+S**

11.—(1) A manufacturer must indicate on every regulated measuring instrument manufactured by that manufacturer, the manufacturer's name, registered trade name or registered trade mark and the postal address at which the manufacturer can be contacted.

(2) Paragraph (1) does not apply where the dimensions of the regulated measuring instrument are too small or it is of too sensitive a composition to allow it to bear the information required by that paragraph and in such a case the information must be marked on the instrument's packaging (if any) and the accompanying documents required by these Regulations.

(3) The address required by this regulation must indicate a single point at which the manufacturer can be contacted.

[^{F67}(4) The contact details required by this regulation must be clear, legible and in easily understandable English.]

Extent Information

- E5** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F67** Reg. 11(4) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 27 para. 8** (with Sch. 27 para. 50(a)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**

Manufacturers to mark contact details on regulated measuring instruments where possible **N.I.**

11.—(1) A manufacturer must indicate on every regulated measuring instrument manufactured by that manufacturer, the manufacturer's name, registered trade name or registered trade mark and the postal address at which the manufacturer can be contacted.

(2) Paragraph (1) does not apply where the dimensions of the regulated measuring instrument are too small or it is of too sensitive a composition to allow it to bear the information required by that paragraph and in such a case the information must be marked on the instrument's packaging (if any) and the accompanying documents required by these Regulations.

(3) The address required by this regulation must indicate a single point at which the manufacturer can be contacted.

(4) The contact details required by this regulation must be in a language easily understood by end-users and market surveillance authorities and, in the case of regulated measuring instruments made available in [^{F250}Northern Ireland], they must be in English.

Extent Information

- E68** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F250** Words in [reg. 11\(4\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 14 para. 3(1)**

Documentation to accompany regulated measuring instruments **E+W+S**

12.—(1) A manufacturer must ensure that regulated measuring instruments that the manufacturer has placed on the market are accompanied by—

- (a) a copy of the ^{F68}... declaration of conformity relating to the instruments;
- (b) information on the operation of the instruments including, where relevant, the following—
 - (i) rated operating conditions;
 - (ii) mechanical and electromagnetic environment classes;
 - (iii) the upper and lower temperature limit, whether condensation is possible or not, open or closed location;
 - (iv) instructions for installation, maintenance, repairs, permissible adjustments;

- (v) instructions for correct operation and any special conditions of use; and
- (vi) conditions for compatibility with interfaces, sub-assemblies or measuring instruments.

(2) Paragraph (1) (b) does not apply where the simplicity of the regulated measuring instrument makes the supply of the information referred to in that paragraph unnecessary.

^{F69}(3)

(4) Such instructions and information (and any labelling) relating to a regulated measuring instrument must be clear, [^{F70}legible and in easily understandable English].

Extent Information

- E6** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F68** Word in reg. 12(1)(a) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 27 para. 9\(a\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F69** Reg. 12(3) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 27 para. 9\(b\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F70** Words in reg. 12(4) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 27 para. 9\(c\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Documentation to accompany regulated measuring instruments **N.I.**

12.—(1) A manufacturer must ensure that regulated measuring instruments that the manufacturer has placed on the market are accompanied by—

- (a) a copy of the EU declaration of conformity relating to the instruments;
- (b) information on the operation of the instruments including, where relevant, the following—
 - (i) rated operating conditions;
 - (ii) mechanical and electromagnetic environment classes;
 - (iii) the upper and lower temperature limit, whether condensation is possible or not, open or closed location;
 - (iv) instructions for installation, maintenance, repairs, permissible adjustments;
 - (v) instructions for correct operation and any special conditions of use; and
 - (vi) conditions for compatibility with interfaces, sub-assemblies or measuring instruments.

(2) Paragraph (1) (b) does not apply where the simplicity of the regulated measuring instrument makes the supply of the information referred to in that paragraph unnecessary.

(3) Information supplied in accordance with this regulation must be in a language that can easily be understood by end-users and where the end users are in [^{F251}Northern Ireland], the information must be in English.

(4) Such instructions and information (and any labelling) relating to a regulated measuring instrument must be clear, understandable and intelligible.

Extent Information

- E69** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F251** Words in [reg. 12\(3\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 14 para. 3\(1\)](#)

Action to be taken where regulated measuring instruments placed on the market are not in conformity with the essential requirements **E+W+S**

13.—(1) This regulation applies where a manufacturer considers or has reason to believe that a regulated measuring instrument placed on the market by that manufacturer is not in conformity with the requirements of these Regulations.

(2) The manufacturer must immediately take the corrective measures necessary to bring the regulated measuring instrument into conformity or withdraw or recall it, if appropriate.

(3) Where the regulated measuring instrument presents a risk, the manufacturer must immediately inform the competent [^{F71}authority] to that effect giving details, in particular, of the non-compliance and of any corrective measures taken.

Extent Information

- E7** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F71** Word in [reg. 13\(3\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 27 para. 10](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))

Action to be taken where regulated measuring instruments placed on the market are not in conformity with the essential requirements **N.I.**

13.—(1) This regulation applies where a manufacturer considers or has reason to believe that a regulated measuring instrument placed on the market by that manufacturer is not in conformity with the requirements of these Regulations.

(2) The manufacturer must immediately take the corrective measures necessary to bring the regulated measuring instrument into conformity or withdraw or recall it, if appropriate.

(3) Where the regulated measuring instrument presents a risk, the manufacturer must immediately inform the competent national authorities of the [^{F252}relevant] states in which the instrument has been made available on the market to that effect giving details, in particular, of the non-compliance and of any corrective measures taken.

Extent Information

- E70** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F252** Word in [reg. 13\(3\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 14 para. 3\(2\)](#)

Provision of information to the competent authority

14.—(1) A manufacturer must, further to a reasoned request from a competent authority, provide the competent authority with all the information and documentation in paper or electronic form necessary to demonstrate the conformity of a regulated measuring instrument manufactured by it with the requirements of these Regulations.

(2) Information and documentation supplied to a competent authority pursuant to this regulation must be supplied in English.

(3) A manufacturer must co-operate with a competent authority, at the request of that authority, on any action to eliminate the risks posed by regulated measuring instruments that the manufacturer has placed on the market.

Use of authorised representatives by manufacturers **E+W+S**

15.—(1) A manufacturer may, by a written mandate, appoint [^{F72}a person established in the United Kingdom as their] authorised representative to discharge the responsibilities under these Regulations in relation to the placing on the market of a regulated measuring instrument.

(2) A representative appointed under paragraph (1) may not discharge the manufacturer's obligations under regulation 7(a) and 7(b).

(3) An authorised representative shall be treated as being authorised to—

- (a) keep the ^{F73}... declaration of conformity and the technical documentation at the disposal of the market surveillance authority for 10 years beginning with the day after the day the regulated measuring instrument has been placed on the market;
- (b) provide a competent authority, further to a reasoned request from that authority, with all the information and documentation necessary to demonstrate the conformity of a regulated measuring instrument; and
- (c) cooperate with a competent authority, at its request on any action taken to eliminate the risks posed by regulated measuring instruments covered by its mandate.

Extent Information

- E8** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F72** Words in [reg. 15\(1\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 27 para. 11\(a\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))
- F73** Word in [reg. 15\(3\)\(a\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 27 para. 11\(b\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))

Use of authorised representatives by manufacturers **N.I.**

15.—(1) A manufacturer may, by a written mandate, appoint an authorised representative to discharge the responsibilities under these Regulations in relation to the placing on the market of a regulated measuring instrument.

(2) A representative appointed under paragraph (1) may not discharge the manufacturer's obligations under regulation 7(a) and 7(b).

(3) An authorised representative shall be treated as being authorised to—

- (a) keep the EU declaration of conformity and the technical documentation at the disposal of the market surveillance authority for 10 years beginning with the day after the day the regulated measuring instrument has been placed on the market;
- (b) provide a competent authority, further to a reasoned request from that authority, with all the information and documentation necessary to demonstrate the conformity of a regulated measuring instrument; and
- (c) cooperate with a competent authority, at its request on any action taken to eliminate the risks posed by regulated measuring instruments covered by its mandate.

Extent Information

E71 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

CHAPTER 2

OBLIGATIONS OF IMPORTERS

Introductory **E+W+S**

16. This Chapter applies to the placing on the market or the putting into use of a regulated measuring instrument from a country outside the ^{F74}... United Kingdom.

Extent Information

E9 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F74 Words in [reg. 16](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 27 para. 12](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

Introductory **N.I.**

16. This Chapter applies to the placing on the market or the putting into use of a regulated measuring instrument from a country outside the [^{F253}relevant market] that is imported into [^{F254}Northern Ireland].

Extent Information

- E72** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F253** Words in [reg. 16](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1112), [reg. 1\(b\)](#), [Sch. 14 para. 3\(3\)](#)
- F254** Words in [reg. 16](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1112), [reg. 1\(b\)](#), [Sch. 14 para. 3\(1\)](#)

Ensuring compliance of regulated measuring instruments **E+W+S**

- 17.—**(1) An importer must only place compliant regulated measuring instruments on the market.
- (2) An importer must ensure that—
- the appropriate conformity assessment procedure has been carried out by the manufacturer of the regulated measuring instrument (or by the importer where the importer is to be regarded as the manufacturer by virtue of regulation 6(2));
 - the manufacturer has drawn up the technical documentation (or that the importer has done so where the importer is treated as the manufacturer by virtue of regulation 6(2));
 - the regulated measuring instrument bears the ^{F75}UK marking and the M marking;
 - the regulated measuring instrument is accompanied by a copy of the ^{F76}... declaration of conformity and the documents referred to in regulation 12 (documentation to accompany regulated measuring instruments); and
 - the manufacturer (or the importer where he is treated as the manufacturer) has complied with the requirements of regulations 10 (manufacturers' obligations in relation to the marking of regulated measuring instruments with serial numbers etc.) and 11 (manufacturers to mark contact details on regulated measuring instruments where possible).

Extent Information

- E10** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F75** Word in [reg. 17\(2\)\(c\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 27 para. 13\(a\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))
- F76** Word in [reg. 17\(2\)\(d\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 27 para. 13\(b\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))

Ensuring compliance of regulated measuring instruments **N.I.**

- 17.—**(1) An importer must only place compliant regulated measuring instruments on the market.

(2) An importer must ensure that—

- (a) the appropriate conformity assessment procedure has been carried out by the manufacturer of the regulated measuring instrument (or by the importer where the importer is to be regarded as the manufacturer by virtue of regulation 6(2));
- (b) the manufacturer has drawn up the technical documentation (or that the importer has done so where the importer is treated as the manufacturer by virtue of regulation 6(2));
- (c) the regulated measuring instrument bears the CE marking and the M marking;
- (d) the regulated measuring instrument is accompanied by a copy of the EU declaration of conformity and the documents referred to in regulation 12 (documentation to accompany regulated measuring instruments); and
- (e) the manufacturer (or the importer where he is treated as the manufacturer) has complied with the requirements of regulations 10 (manufacturers' obligations in relation to the marking of regulated measuring instruments with serial numbers etc.) and 11 (manufacturers to mark contact details on regulated measuring instruments where possible).

Extent Information

E73 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Importers duty to notify manufacturer and market surveillance authorities of non-compliant regulated measuring instruments that present a risk

18. Where an importer considers or has reason to believe that the regulated measuring instrument is not in conformity with the essential requirements and presents a risk, the importer must inform the manufacturer and the market surveillance authority.

Requirements to mark importers' details on regulated measuring instruments **E+W+S**

19.—(1) An importer must indicate on regulated measuring instruments imported by that importer, the importer's name, registered trade name or trademark and the postal address at which the importer can be contacted.

[^{F77}(2) Paragraph (1) does not apply where—

- (a) either—
 - (i) the regulated measuring instrument is too small or too sensitive a composition to allow it to bear the information required by paragraph (1); or
 - (ii) the importer has imported the regulated measuring instrument from an EEA state or Switzerland and places it on the market within the period of [^{F78}seven years] beginning with IP completion day, and
- (b) before placing the regulated measuring instrument on the market, the importer sets out the information referred to in paragraph (1)—
 - (i) where sub-paragraph (a)(i) applies, on any packaging in which the instrument is supplied and in any accompanying documents;
 - (ii) where sub-paragraph (a)(ii) applies, in a document accompanying the instrument.]

[^{F79}(3) Any contact details required by this regulation must be clear, legible and in easily understandable English.]

Extent Information

- E11** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F77** Reg. 19(2) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 27 para. 14(a)** (with Sch. 27 para. 50(a)) (as amended by: S.I. 2020/676, regs. 1(1), 2; S.I. 2019/1246, reg. 1(3), 5; S.I. 2020/852, reg. 2(2), 4(2), **Sch. 1 para. 1(p)(ii)**; and S.I. 2020/1460, **Sch. 3 para. 2(1)(k)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F78** Words in reg. 19(2)(a)(ii) substituted (E.W.S.) (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022](#) (S.I. 2022/1393), regs. 1(1), 4, **Sch. 3 para. (n)**
- F79** Reg. 19(3) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 27 para. 14(b)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

- C2** [Reg. 19](#) modified (temp.) by S.I. 2019/392, reg. 6 (as inserted (10.9.2019) by [The Product Safety, Metrology and Mutual Recognition Agreement \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/1246), reg. 1(2)(4), **2(3)** (with reg. 18))

Requirements to mark importers' details on regulated measuring instruments **N.I.**

19.—(1) An importer must indicate on regulated measuring instruments imported by that importer, the importer's name, registered trade name or trademark and the postal address at which the importer can be contacted.

(2) Where a regulated measuring instrument is too small or of too sensitive a composition to allow it to bear the information required by paragraph (1), such information must be marked on any packaging in which the instrument is supplied and on any accompanying documents.

(3) Any contact details required by this regulation must be in a language easily understood by end-users and market surveillance authorities and, in the case of regulated measuring instruments made available in [^{F255}Northern Ireland], they must be in English.

Extent Information

- E74** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F255** Words in [reg. 19\(3\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1112), reg. 1(b), **Sch. 14 para. 3(1)**

Modifications etc. (not altering text)

- C3** [Reg. 19](#) modified (temp.) by S.I. 2019/392, reg. 6 (as inserted (10.9.2019) by [The Product Safety, Metrology and Mutual Recognition Agreement \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/1246), reg. 1(2)(4), **2(3)** (with reg. 18))

Importers' duty to ensure that regulated measuring instruments are accompanied by relevant documentation **E+W+S**

20.—(1) An importer must ensure that regulated measuring instruments imported by that importer are, where relevant, accompanied by the following instructions and information ^{F80}...—

- (a) rated operating conditions;
- (b) mechanical and electromagnetic environment classes;
- (c) the upper and lower temperature limit, whether condensation is possible or not, open or closed location;
- (d) instructions for installation maintenance, repairs, permissible adjustments;
- (e) instructions for correct operation and any special conditions of use; and
- (f) conditions for compatibility with interfaces, sub-assemblies or measuring instruments.

[^{F81}(2) The instructions and information referred to in paragraph (1) must be clear, legible and in easily understandable English.]

Extent Information

E12 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F80** Words in [reg. 20\(1\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 27 para. 15\(a\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F81** [Reg. 20\(2\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 27 para. 15\(b\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

Importers' duty to ensure that regulated measuring instruments are accompanied by relevant documentation **N.I.**

20.—(1) An importer must ensure that regulated measuring instruments imported by that importer are, where relevant, accompanied by the following instructions and information in a language easily understood by end-users—

- (a) rated operating conditions;
- (b) mechanical and electromagnetic environment classes;
- (c) the upper and lower temperature limit, whether condensation is possible or not, open or closed location;
- (d) instructions for installation maintenance, repairs, permissible adjustments;
- (e) instructions for correct operation and any special conditions of use; and
- (f) conditions for compatibility with interfaces, sub-assemblies or measuring instruments.

(2) Where the end users are in [^{F256}Northern Ireland], the instructions and information referred to in paragraph (1) must be in English.

Extent Information

- E75** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F256** Words in [reg. 20\(2\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 14 para. 3\(1\)](#)

Duty of importers to ensure proper conditions of storage and transport

21. An importer must, in respect of regulated measuring instruments under the importer's responsibility ensure that the conditions of their storage or transport are not such as to jeopardise their continuing compliance with the essential requirements.

Duties of importers with regard to monitoring etc.

22.—(1) When deemed appropriate with regard to the performance of a regulated measuring instrument imported by an importer, the importer must—

- (a) carry out a sample testing of regulated measuring instruments made available on the market by the importer;
- (b) investigate complaints about regulated measuring instruments imported by the importer ; and
- (c) if necessary, keep a register of—
 - (i) such complaints;
 - (ii) non-conforming regulated measuring instruments; and
 - (iii) regulated measuring instrument recalls; and
- (d) where the importer is not also the distributor of the regulated measuring instrument, keep distributors to whom the importer has supplied regulated measuring instruments informed of any monitoring undertaken by that importer.

Action to be taken by importers where regulated measuring instruments placed on the market by them are not in conformity with essential requirements

23.—(1) This regulation applies where an importer considers, or has reason to believe, that a regulated measuring instrument placed on the market by the importer is not in conformity with the requirements of these Regulations.

(2) The importer must immediately take the corrective measures necessary to bring the regulated measuring instrument into conformity or withdraw or recall it, if appropriate.

(3) Where the regulated measuring instrument presents a risk, the importer must immediately inform the competent authority to that effect, giving details, in particular, of the non-compliance of the instrument and of the corrective measures taken by that importer.

Requirement for importer to keep copy of [F82EU] declaration of conformity

24. An importer must, for a period of 10 years beginning with the day after the day on which the regulated measuring instrument is placed on the market, keep a copy of the [F83EU] declaration

of conformity at the disposal of the market surveillance authorities and ensure that the technical documentation can be made available to those authorities upon request.

Textual Amendments

- F82** Word in [reg. 24](#) heading omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), **Sch. 27 para. 16** (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F83** Word in [reg. 24](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), **Sch. 27 para. 16** (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Provision of information to the competent authority

25.—(1) The importer must, further to a reasoned request from a competent authority, provide the competent authority with all the information and documentation in paper or electronic form necessary to demonstrate the conformity of the regulated measuring instrument with the requirements of these Regulations.

(2) Information and documentation supplied to a competent authority pursuant to this regulation must be supplied in English.

(3) An importer must co-operate with a competent authority, at its request, as regards any action to eliminate the risks posed by any regulated measuring instrument that the importer has placed on the market.

CHAPTER 3

OBLIGATIONS OF DISTRIBUTORS

Introductory

26. This Chapter applies in relation to the making available on the market or the putting into use of a regulated measuring instrument by a distributor.

Distributors – duty to act with due care

27. Before making the regulated measuring instrument available on the market or putting it into use, the distributor must act with due care in relation to the requirements of these Regulations.

Distributors – verification obligations **E+W+S**

28.—(1) The distributor must verify that the regulated measuring instrument bears the [^{F84}UK] marking and the M marking.

(2) The distributor must verify that the regulated measuring instrument is accompanied by—

- (a) a copy of the ^{F85}... declaration of conformity relating to it; and
- (b) information on the operation of the instrument including where relevant the following—
 - (i) rated operating conditions;
 - (ii) mechanical and electromagnetic environment classes;
 - (iii) the upper and lower temperature limit, whether condensation is possible or not, open and closed location
 - (iv) instructions for installation, maintenance, repairs, permissible adjustments;

- (v) instructions for correct operation and any special conditions of use; and
- (vi) conditions for compatibility with interfaces, sub-assemblies or measuring instruments.

(3) Paragraph (2) (b) does not apply where the simplicity of the regulated measuring instrument makes the supply of the information referred to in that paragraph unnecessary.

[^{F86}(4) Instructions and information supplied in accordance with this regulation must be clear, legible and in easily understandable English.]

(5) The distributor must verify that the manufacturer and the importer have complied with the requirements set out in regulation 10 (manufacturers' obligations in relation to the marking of regulated measuring instruments with serial numbers etc.), regulation 11 (manufacturers to mark contact details on regulated measuring instruments where possible) and regulation 19 (requirements to mark importers' details on regulated measuring instruments).

Extent Information

E13 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F84** Word in [reg. 28\(1\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 27 para. 17\(a\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F85** Word in [reg. 28\(2\)\(a\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 27 para. 17\(b\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F86** [Reg. 28\(4\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 27 para. 17\(c\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

Distributors – verification obligations **N.I.**

28.—(1) The distributor must verify that the regulated measuring instrument bears the CE marking and the M marking.

(2) The distributor must verify that the regulated measuring instrument is accompanied by—

- (a) a copy of the EU declaration of conformity relating to it; and
- (b) information on the operation of the instrument including where relevant the following—
 - (i) rated operating conditions;
 - (ii) mechanical and electromagnetic environment classes;
 - (iii) the upper and lower temperature limit, whether condensation is possible or not, open and closed location
 - (iv) instructions for installation, maintenance, repairs, permissible adjustments;
 - (v) instructions for correct operation and any special conditions of use; and
 - (vi) conditions for compatibility with interfaces, sub-assemblies or measuring instruments.

(3) Paragraph (2) (b) does not apply where the simplicity of the regulated measuring instrument makes the supply of the information referred to in that paragraph unnecessary.

(4) Instructions and information supplied in accordance with this regulation must be in a language that can be easily understood by end-users and where those end users are in [^{F257}Northern Ireland] must be in English.

(5) The distributor must verify that the manufacturer and the importer have complied with the requirements set out in regulation 10 (manufacturers' obligations in relation to the marking of regulated measuring instruments with serial numbers etc.), regulation 11 (manufacturers to mark contact details on regulated measuring instruments where possible) and regulation 19 (requirements to mark importers' details on regulated measuring instruments).

Extent Information

E76 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F257 Words in [reg. 28\(4\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 14 para. 3\(1\)](#)

Distributors not to make non-conforming regulated measuring instruments available on the market etc.

29.—(1) This regulation applies where a distributor considers, or has reason to believe, that a regulated measuring instrument is not in conformity with the essential requirements.

(2) Where this regulation applies, the distributor must not make the regulated measuring instrument available on the market or put it into use until it has been brought into conformity.

(3) Where the regulated measuring instrument presents a risk, the distributor must immediately inform—

- (a) the manufacturer;
- (b) the importer (where the distributor is not also the manufacturer or importer); and
- (c) the market surveillance authorities,

to that effect, giving details, in particular, of the non-compliance of the instrument and of the corrective measures taken by that distributor.

Duty of distributors to ensure proper conditions of storage and transport

30. A distributor must, in respect of regulated measuring instruments under that distributor's responsibility, ensure that the conditions of their storage or transport are not such as to jeopardise their continuing compliance with the essential requirements.

Action to be taken by distributors where regulated measuring instruments placed on the market by them are not in conformity with essential requirements

31.—(1) This regulation applies where a distributor considers, or has reason to believe, that a regulated measuring instrument [^{F87}made available] on the market or put into use by that distributor is not in conformity with the requirements of these Regulations.

(2) The distributor must immediately take the corrective measures necessary to bring the regulated measuring instrument into conformity, or withdraw or recall it, if appropriate.

(3) Where the regulated measuring instrument presents a risk, the distributor must immediately inform the competent authority to that effect, giving details, in particular, of the non-compliance of the instrument and of the corrective measures taken by that distributor.

Textual Amendments

F87 Words in [reg. 31\(1\)](#) substituted (1.2.2019) by [The Weights and Measures etc. \(Miscellaneous\) \(Amendment\) Regulations 2019 \(S.I. 2019/5\)](#), regs. 1, **8(2)**

Provision of information to the competent authority

32.—(1) The distributor must, further to a reasoned request from a competent authority, provide that authority with all the information and documentation in paper or electronic form necessary to demonstrate the conformity of the regulated measuring instrument with the requirements of these Regulations.

(2) Information and documentation supplied to a competent authority pursuant to this regulation must be supplied in English.

(3) A distributor must co-operate with a competent authority, at its request, as regards any action to eliminate the risks posed by any regulated measuring instrument that the distributor has placed on the market.

CHAPTER 4

IDENTIFICATION OF ECONOMIC OPERATORS

33.—(1) Economic operators must, on request, identify to the market surveillance authorities—

- (a) any economic operator who has supplied them with a regulated measuring instrument; and
- (b) any economic operator to whom they have supplied a regulated measuring instrument.

(2) Economic operators must be able to present the information referred to in paragraph (1) for 10 years beginning with the day after the day on which they have been supplied with the regulated measuring instrument and for 10 years day beginning with the day after the day they have supplied the instrument.

(3) The Secretary of State may impose a monetary penalty on an economic operator who fails to comply with an obligation imposed on it under this regulation.

(4) Schedule 7 has effect in relation to a monetary penalty imposed under paragraph (3).

^{F88} Obligations which are met by complying with obligations in the Directive

33A.—(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive;
- (b) “CE marking” has the meaning given to it in Article 4(22);
- (c) “Module B” means the conformity assessment procedure set out under the heading “MODULE B: EU-TYPE EXAMINATION” in Annex II;
- (d) “Module H1” means the conformity assessment procedure set out under the heading “MODULE H1: CONFORMITY BASED ON FULL QUALITY ASSURANCE PLUS DESIGN EXAMINATION” in Annex II;

- (e) “EU-design examination certificate” means an EU design certificate issued in accordance with Module H1;
 - (f) “EU-type examination certificate” means an EU-type examination certificate issued in accordance with Module B;
 - (g) “harmonised standard” has the meaning given to it in Article 4(14);
 - (h) “instrument-specific Annexes” means Annexes III to XII.
- (2) Paragraph (3) applies where, before placing a regulated measuring instrument on the market, the manufacturer—
- (a) ensures that the regulated measuring instrument has been designed and manufactured in accordance with the essential requirements set out in Annex I and in the relevant instrument-specific Annex which applies to the regulated measuring instrument;
 - (b) ensures that the one of the relevant conformity assessment procedures listed in the relevant instrument-specific Annex that apply to that regulated measuring instrument in accordance with Article 17 have been carried out;
 - (c) draws up the technical documentation referred to in Article 18;
 - (d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared in or translated into English;
 - (e) affixes a CE marking and the supplementary metrology marking, in accordance with Articles 21 and 22(1) to (6);
 - (f) draws up an EU declaration of conformity, in accordance with Article 19; and
 - (g) ensures that the EU declaration of conformity is prepared in or translated into English.
- (3) Where this paragraph applies—
- (a) the requirements of regulations 7(a) to (e), 48 and 52(2) are to be treated as being satisfied;
 - (b) regulations 8, 9(2), 51, 68(1)(a) to (e), 72, 73 and 75 apply subject to the modifications in paragraph (8); and
 - (c) regulations 36 to 39 do not apply.
- (4) Paragraph (5) applies where, before placing a regulated measuring instrument on the market, the importer ensures that—
- (a) the relevant conformity assessment procedures that apply to that measuring instrument in accordance with Article 17 have been carried out;
 - (b) the manufacturer has drawn up the technical documentation referred to in Article 18; and
 - (c) the measuring instrument bears the CE marking, and the supplementary metrology marking referred to in Article 21(2).
- (5) Where this paragraph applies—
- (a) the requirements of regulation 17(2)(a) to (c) are to be treated as being satisfied; and
 - (b) regulations 18, 21, 23, 51, 68(1)(a) to (e), 72, 73 and 75 apply subject to the modifications in paragraph (8).
- (6) Paragraph (7) applies where, before making a regulated measuring instrument available on the market, a distributor ensures that the regulated measuring instrument bears the CE marking, and the supplementary metrology marking referred to in Article 21(2).
- (7) Where this paragraph applies—
- (a) regulation 28(1) is to be treated as being satisfied; and
 - (b) regulations 29(1), 30, 68(1)(a), 68(1)(b), 72 and 73 apply subject to the modifications in paragraph (8).

- (8) The modifications referred to in paragraphs (3)(b), (5)(b) and (7)(b) are that—
- (a) any reference to “declaration of conformity” is to be read as a reference to the EU declaration of conformity;
 - (b) any reference to “UK marking” is to be read as a reference to the CE marking;
 - (c) ^{F89}except in relation to regulations 72 and 73, any reference to “essential requirements” is to be read as a reference to the essential requirements referred to in Annex I and in the relevant instrument-specific Annex which applies to the regulated measuring instrument;
 - (d) any reference to “designated standard” is to be read as a reference to a harmonised standard;
 - (e) any reference to “relevant conformity assessment procedure” is to be read as a reference to the relevant conformity assessment procedures that apply to the regulated measuring instrument in accordance with Article 17;
 - (f) any reference to “technical documentation” is a reference to the technical documentation referred to in Article 18;
 - (g) any reference to “type examination certificate” is to be read as a reference to an EU-type examination certificate; and
 - (h) any reference to “design examination certificate” is to be read as a reference to an EU-design examination certificate;
 - (i) any reference to “M marking” is to be read as a reference to the supplementary metrology marking; and
 - (j) any reference to “approved body” is to be read as a reference to the body that undertook any conformity assessment procedure in accordance with Article 13;
 - (k) any reference to “authorised mark” includes the CE marking and the supplementary metrology marking.

Textual Amendments

F88 Regs. 33A33D inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 27 para. 18** (with Sch. 27 para. 50(a)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2 and [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), reg. 1(4), **Sch. 3 para. 19(4)(b)**); 2020 c. 1, Sch. 5 para. 1(1)

F89 Words in [reg. 33A\(8\)\(c\)](#) inserted (E.W.S.) (9.12.2021) by [The Product Safety and Metrology etc. \(Amendment\) Regulations 2021 \(S.I. 2021/1273\)](#), regs. 1, **12(2)**

Conformity assessment procedure obligation which is met by complying with the Directive

33B.—(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive;
- (b) “Module B” means the conformity assessment procedure set out under the heading “MODULE B: EU-TYPE EXAMINATION” in Annex II;
- (c) “EU-type examination certificate” means an EU-type examination certificate issued in accordance with Module B;
- (d) “harmonised standard” has the meaning given to it in Article 4(14);
- (e) “instrument-specific Annexes” means Annexes III to XII.

(2) Paragraph (3) applies where—

- (a) in accordance with Article 17, one of the conformity assessment procedures listed in the instrument-specific Annex that applies to the regulated measuring instrument is Module B; and
- (b) before placing a regulated measuring instrument on the market, the manufacturer ensures that—
 - (i) the regulated measuring instrument has been designed in accordance with the essential requirements set out in Annex I and in the relevant instrument-specific Annex which applies to the regulated measuring instrument; and
 - (ii) Module B has been complied with in respect of that regulated measuring instrument.

(3) Where this paragraph applies—

- (a) any reference in regulation 7(c) to “relevant conformity assessment procedure” includes Module B;
- (b) any reference to “type examination certificate” in regulations 45(1)(j), 72(3)(b) and 73(3)(b) is to be read as a reference to “EU-type examination certificate”; and
- (c) any reference to “designated standard” in regulation 45(1)(f) is to be read as a reference to “harmonised standard”.

Textual Amendments

F88 Regs. 33A33D inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 27 para. 18** (with Sch. 27 para. 50(a)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2 and [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), reg. 1(4), **Sch. 3 para. 19(4)(b)**); 2020 c. 1, Sch. 5 para. 1(1)

Expiry of regulations 33A and 33B

33C.—(1) Subject to [^{F90}paragraphs (2) and (6)], regulation 33A ceases to have effect at the end of the period of [^{F91}four years] beginning with IP completion day.

(2) Notwithstanding the expiry of regulation 33A—

- (a) any regulated measuring instrument which was placed on the market pursuant to regulation 33A may continue to be made available on the market on or after the expiry of regulation 33A;
- (b) any obligation to which a person was subject under regulation 33A in respect of any regulated measuring instrument placed on the market pursuant to regulation 33A continues to have effect after the expiry of regulation 33A, in respect of that instrument.

(3) Subject to [^{F92}paragraphs (4) and (6)], regulation 33B ceases to have effect at the end of the period of [^{F93}four years] beginning with IP completion day.

(4) Where a conformity assessment procedure has been completed pursuant to regulation 33B in relation to a regulated measuring instrument prior to the expiry of regulation 33B, regulation 33B continues to apply in respect of that instrument where—

- (a) the manufacturer arranges for the EU-Type examination certificate and any annexes to be transferred to an approved body;
- (b) the approved body referred to in sub-paragraph (a) accepts responsibility for the EU-Type examination certificate; and

- (c) the approved body issues a Type-examination certificate relying, or relying in part, on any examinations or tests undertaken prior to the issue of the EU-Type examination certificate.
- (5) In paragraph (4) “EU-Type examination certificate” has the meaning given to it in regulation 33B(1)(c).
- [^{F94}(6) Regulations 72 and 73 continue to have effect in relation to any regulated measuring instrument—
- (a) placed on the market pursuant to 33A; or
 - (b) in relation to which a manufacturer has undertaken a conformity assessment procedure in accordance with regulation 33B,
- as if regulations 32A or 33B had not expired.]

Textual Amendments

- F88** Regs. 33A33D inserted (E.W.S.) (31.12.2020) by *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/696), reg. 1, **Sch. 27 para. 18** (with Sch. 27 para. 50(a)) (as amended by *S.I. 2020/676*, regs. 1(1), 2 and *The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020* (S.I. 2020/1460), reg. 1(4), **Sch. 3 para. 19(4)(b)**); 2020 c. 1, Sch. 5 para. 1(1)
- F90** Words in reg. 33C(1) substituted (E.W.S.) (9.12.2021) by *The Product Safety and Metrology etc. (Amendment) Regulations 2021* (S.I. 2021/1273), regs. 1, **12(3)(a)**
- F91** Words in reg. 33C(1) substituted (E.W.S.) (31.12.2022) by *The Product Safety and Metrology (Amendment and Transitional Provisions) Regulations 2022* (S.I. 2022/1393), regs. 1(1), **2, Sch. 1 para. (q)**
- F92** Words in reg. 33C(3) substituted (E.W.S.) (9.12.2021) by *The Product Safety and Metrology etc. (Amendment) Regulations 2021* (S.I. 2021/1273), regs. 1, **12(3)(b)**
- F93** Words in reg. 33C(3) substituted (E.W.S.) (31.12.2022) by *The Product Safety and Metrology (Amendment and Transitional Provisions) Regulations 2022* (S.I. 2022/1393), regs. 1(1), **2, Sch. 1 para. (q)**
- F94** Reg. 33C(6) inserted (E.W.S.) (9.12.2021) by *The Product Safety and Metrology etc. (Amendment) Regulations 2021* (S.I. 2021/1273), regs. 1, **12(3)(c)**

Qualifying Northern Ireland Goods

- 33D.**—(1) Where paragraph (2) applies—
- (a) a regulated measuring instrument is to be treated as being in conformity with the essential requirements; and
 - (b) each relevant economic operator is to be treated as having complied or as complying with the obligations imposed on them under Part 2.
- (2) This paragraph applies where—
- (a) a regulated measuring instrument is—
 - (i) in conformity with the essential requirements, within the meaning of that term in regulation 2, as it applies in Northern Ireland; and
 - (ii) qualifying Northern Ireland goods; and
 - (b) each relevant economic operator has complied or is complying with the obligations imposed on them under Part 2, as that Part applies in Northern Ireland; and
 - (c) an importer has complied with the obligations set out in paragraph (3).

(3) The obligations referred to in paragraph (2)(c) are that, before placing the non-automatic weighing instrument on the market, the importer—

- (a) complies with regulation 19;
- (b) ensures that—
 - (i) the relevant conformity assessment procedure has been carried out.
 - (ii) the manufacturer has drawn up the technical documentation; and
 - (iii) the regulated measuring instrument bears the CE marking.

^{F95} (3A) After a regulated measuring instrument has been placed on the market pursuant to this regulation, regulations 72 and 73 are to be read in relation to that instrument subject to the following modifications—

- (a) the reference in regulation 72(2)(a) to “UK marking” is to be read as a reference to the CE marking, within the meaning of regulation 2(1) as it applies in Northern Ireland;
- (b) the reference in regulation 72(2)(b) to “M marking”, is to be read as a reference to the M Marking as defined in regulation 2(1) as it applies in Northern Ireland;
- (c) the reference in regulation 72(2)(c) to “approved body” is to be read as a reference to a “notified body” as defined in regulation 2(1) as it applies in Northern Ireland;
- (d) the references in regulations 72(3)(a) and 73(3)(a) to “essential requirements” are to be read as the essential requirements within the meaning of that term in regulation 2(1) as it applies in Northern Ireland; and
- (e) the references in regulations 72(3)(b) and 73(3)(b) to “type examination certificate” is to be read as a reference to an EU-type examination certificate as defined in regulation 2(1) as it applies in Northern Ireland.]

(4) In this regulation—

“CE marking” has the meaning given it in regulation 2(1), as it applies in Northern Ireland;

“qualifying Northern Ireland goods” has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;

“relevant conformity assessment procedure” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland;

“technical documentation” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland.]

Textual Amendments

- F88** Regs. 33A33D inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 27 para. 18** (with Sch. 27 para. 50(a)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2 and [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), reg. 1(4), **Sch. 3 para. 19(4)(b)**); 2020 c. 1, Sch. 5 para. 1(1)
- F95** Reg. 33D(3A) inserted (E.W.S.) (9.12.2021) by [The Product Safety and Metrology etc. \(Amendment\) Regulations 2021 \(S.I. 2021/1273\)](#), regs. 1, **12(4)**

[^{F96}PART 3

NON-PRESCRIBED MEASURING INSTRUMENTS

Textual Amendments

F96 Pt. 3 omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 27 para. 19** (with Sch. 27 para. 50(a)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Introductory

34. This Part applies where a manufacturer wishes to place on the market or put into use a non-prescribed measuring instrument in another EEA state where that measuring instrument must comply with the essential requirements under the law relating to legal metrological control of that EEA state.

Establishing compliance with the essential requirements – non-prescribed measuring instruments

35. A manufacturer may demonstrate compliance with the essential requirements in respect of a non-prescribed measuring instrument in the same manner as a regulated measuring instrument and the requirements of Part 4 accordingly apply.]

PART 4

CONFORMITY OF MEASURING INSTRUMENTS

CHAPTER 1

ESTABLISHING COMPLIANCE WITH THE ESSENTIAL REQUIREMENTS

Introductory **E+W+S**

[^{F97}**36.** This chapter applies for the purposes of establishing whether a regulated measuring instrument complies with the essential requirements.]

Extent Information

E14 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F97 [Reg. 36](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 27 para. 20** (with Sch. 27 para. 50(a)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Introductory **N.I.**

36. This chapter applies for the purposes of establishing whether a measuring instrument (whether it is a regulated measuring instrument or a non-prescribed measuring instrument) complies with the essential requirements.

Extent Information

- E77** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Methods of establishing conformity with the essential requirements **E+W+S**

37. Conformity with the essential requirements may be established in relation to a [^{F98}regulated] measuring instrument—

- (a) through conformity with [^{F99}designated] standards (or parts of those standards) covering the essential requirements ^{F100}...;
- (b) through conformity with parts of normative documents which cover the essential requirements where the parts of the normative documents have been included in a list published [^{F101}by the Secretary of State]; or
- (c) through the use by the manufacturer of any other technical solution that complies with the essential requirements.

Extent Information

- E15** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F98** Word in reg. 37 inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 21(a)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F99** Word in reg. 37(a) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 21(b)(i)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F100** Words in reg. 37(a) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 21(b)(ii)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F101** Words in reg. 37(b) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 21(c)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Methods of establishing conformity with the essential requirements **N.I.**

37. Conformity with the essential requirements may be established in relation to a measuring instrument—

- (a) through conformity with harmonised standards (or parts of those standards) covering the essential requirements where the harmonised standards have been published in the Official Journal of the European Union;
- (b) through conformity with parts of normative documents which cover the essential requirements where the parts of the normative documents have been included in a list published in the Official Journal of the European Union; or
- (c) through the use by the manufacturer of any other technical solution that complies with the essential requirements.

Extent Information

- E78** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Presumptions of conformity of [^{F102}regulated] measuring instruments **E+W+S**

38.—(1) [^{F103}Regulated] measuring instruments which are in conformity with [^{F104}designated] standards (or parts of those standards) of a kind mentioned in regulation 37(a), are to be presumed to be in conformity with the essential requirements covered by those standards (or parts of those standards).

(2) [^{F105}Regulated] measuring instruments which are in conformity with parts of normative documents of a kind mentioned in regulation 37(b), are to be presumed to be in conformity with the essential requirements covered by those parts of normative documents.

(3) To benefit from a presumption of conformity under paragraphs (1) or (2), the manufacturer must correctly apply solutions mentioned in the relevant [^{F106}designated] standards or in the normative documents.

(4) Compliance with the appropriate tests mentioned in regulation 45(1)(i) is to be presumed if the corresponding test programme has been performed in accordance with the documents mentioned in paragraphs (1) and (2) and if the test results ensure compliance with the essential requirements.

Extent Information

- E16** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F102** Word in reg. 38 heading inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 22(a)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F103** Word in reg. 38(1) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 22(a)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F104** Word in reg. 38(1) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 22(b)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F105** Word in reg. 38(2) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 22(a)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F106** Word in reg. 38(3) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 22(b)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Presumptions of conformity of measuring instruments **N.I.**

38.—(1) Measuring instruments which are in conformity with harmonised standards (or parts of those standards) of a kind mentioned in regulation 37(a), are to be presumed to be in conformity with the essential requirements covered by those standards (or parts of those standards).

(2) Measuring instruments which are in conformity with parts of normative documents of a kind mentioned in regulation 37(b), are to be presumed to be in conformity with the essential requirements covered by those parts of normative documents.

(3) To benefit from a presumption of conformity under paragraphs (1) or (2), the manufacturer must correctly apply solutions mentioned in the relevant harmonised standards or in the normative documents.

(4) Compliance with the appropriate tests mentioned in regulation 45(1)(i) is to be presumed if the corresponding test programme has been performed in accordance with the documents mentioned in paragraphs (1) and (2) and if the test results ensure compliance with the essential requirements.

Extent Information

E79 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Conformity assessment procedures **E+W+S**

39.—(1) Conformity assessment of a [^{F107}regulated] measuring instrument with the essential requirements must be established by the application at the choice of the manufacturer, of one of the conformity assessment procedures listed as applicable in relation to the [^{F107}regulated] measuring instrument in Schedule [^{F108}1C to 1J].

(2) [^{F109}An approved] body must carry out the conformity assessment procedure selected by the manufacturer in accordance with the requirements of Schedule 4.

(3) The documents and correspondence relating to the conformity assessment procedures referred to in this regulation which are carried out in the United Kingdom must be drawn up in English.

Extent Information

E17 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F107** Word in [reg. 39\(1\)](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 27 para. 23\(a\)\(i\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F108** Words in [reg. 39\(1\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 27 para. 23\(a\)\(ii\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F109** Words in [reg. 39\(2\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 27 para. 23\(b\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

Conformity assessment procedures **N.I.**

39.—(1) Conformity assessment of a measuring instrument with the essential requirements must be established by the application at the choice of the manufacturer, of one of the conformity assessment procedures listed as applicable in relation to the measuring instrument in Schedule 1.

(2) A notified body must carry out the conformity assessment procedure selected by the manufacturer in accordance with the requirements of Schedule 4.

(3) The documents and correspondence relating to the conformity assessment procedures referred to in this regulation which are carried out in the United Kingdom must be drawn up in English.

Extent Information

E80 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

[^{F110}Power to amend Schedules 1C to 1J

39A.—(1) Where the one or more of the conditions in paragraph (2) are met, the Secretary of State may by regulations make provision to amend Schedules 1C to 1J in relation to any of the following matters—

- (a) maximum permissible errors (MPEs) and accuracy classes;
- (b) rated operating conditions;
- (c) critical change values; and
- (d) disturbances.

(2) The conditions referred to in paragraph (1) are that the Secretary of State considers that the purpose of the provision is to—

- (a) take into account scientific or technical progress; or
- (b) provide adequate protection of consumers or other end users.

(3) The power to make regulations under this regulation includes the power—

- (a) to make different provision for different cases; and
- (b) to make such supplemental, consequential and transitional provision as the Secretary of State considers appropriate

(4) Regulations made under paragraph (1) are to be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

F110 Reg. 39A inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 27 para. 24** (with Sch. 27 para. 50(a)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Capacity serving measures - accredited in house bodies **E+W+S**

40.—(1) This regulation applies to the conformity assessment of capacity serving measures.

(2) An accredited in-house body may be used to carry out conformity assessment activities for the undertaking of which it forms part for the purposes of implementing the procedures set out in Module A2 [^{F111}in Schedule 1B].

(3) The body must constitute a separate and distinct part of the undertaking and must not participate in the design, production, supply, installation, use or maintenance of the [^{F112}regulated] measuring instrument it assesses.

(4) An accredited in-house body must meet the following requirements—

- (a) it must be accredited in accordance with RAMS;

- (b) the body and its personnel must be organisationally identifiable and have reporting methods within the undertaking of which they form a part which ensure their impartiality and demonstrate it to the relevant national accreditation body;
- (c) neither the body, nor its personnel shall be responsible for the design, manufacture, supply, installation, operation or maintenance of the ^{F113}regulated measuring instruments they assess nor shall they engage in any activity that might conflict with their independence of judgment or integrity in relation to their assessment activities; and
- (d) it must supply its services exclusively to the undertaking of which it forms a part.

^{F114}(5) An accredited in-house body need not be approved by the Secretary of State, but information concerning its accreditation must be given by the undertaking of which it forms part to the Secretary of State at the request of the Secretary of State.]

Extent Information

E18 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F111** Words in [reg. 40\(2\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 27 para. 25\(a\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F112** Word in [reg. 40\(3\)](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 27 para. 25\(b\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F113** Word in [reg. 40\(4\)\(c\)](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 27 para. 25\(b\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F114** [Reg. 40\(5\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 27 para. 25\(c\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

Capacity serving measures - accredited in house bodies **N.I.**

40.—(1) This regulation applies to the conformity assessment of capacity serving measures.

(2) An accredited in-house body may be used to carry out conformity assessment activities for the undertaking of which it forms part for the purposes of implementing the procedures set out in Module A2 of Annex II to the Directive.

(3) The body must constitute a separate and distinct part of the undertaking and must not participate in the design, production, supply, installation, use or maintenance of the measuring instrument it assesses.

(4) An accredited in-house body must meet the following requirements—

- (a) it must be accredited in accordance with RAMS;
- (b) the body and its personnel must be organisationally identifiable and have reporting methods within the undertaking of which they form a part which ensure their impartiality and demonstrate it to the relevant national accreditation body;
- (c) neither the body, nor its personnel shall be responsible for the design, manufacture, supply, installation, operation or maintenance of the measuring instruments they assess nor shall they engage in any activity that might conflict with their independence of judgment or integrity in relation to their assessment activities; and

(d) it must supply its services exclusively to the undertaking of which it forms a part.

(5) An accredited in-house body need not be notified to the notifying authority or the Commission, but information concerning its accreditation must be given by the undertaking of which it forms part to the notifying authority at the request of that authority.

Extent Information

E81 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Subsidiaries and contractors **E+W+S**

[^{F115}**41.**—(1) An approved body may subcontract specific conformity assessment activities, or use a subsidiary to carry out such activities provided—

- (a) the body is satisfied that the subcontractor or subsidiary meets the approved body requirements;
- (b) the body has informed the Secretary of State that it is satisfied that the subcontractor or subsidiary meets those requirements; and
- (c) the economic operator for whom the activities are to be carried out has consented to the activities being carried out by that person.

(2) The approved body which subcontracts specific conformity assessment activities or uses a subsidiary to carry out such activities remains responsible for the proper performance of those activities (irrespective of where the subcontractor or subsidiary is established).

(3) Where an approved body subcontracts, or uses a subsidiary to carry out, a specific conformity assessment activity, the approved body must, for a period of 10 years beginning on the day on which the activity is first carried out, keep available for inspection by the Secretary of State all relevant documentation concerning—

- (a) the assessment of the qualifications of the subcontractor or the subsidiary; and
- (b) the conformity assessment activity carried out by the subcontractor or subsidiary.

(4) In this regulation “subsidiary” has the meaning given to it in section 1159 of the Companies Act 2006.]

Extent Information

E19 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F115 Reg. 41 substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 26](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

Subsidiaries and contractors **N.I.**

41.—(1) Where a notified body subcontracts specific conformity assessment activities, or has such activities carried out by a subsidiary, the activities are only to be treated as having been carried out by a notified body for the purposes of regulation 39 (conformity assessment procedures) where the conditions in paragraphs (2) and (3) are met.

- (2) The notified body must—
- (a) ensure that the subcontractor or subsidiary meets the notified body requirements; and
 - (b) inform the Secretary of State accordingly.
- (3) The notified body must have obtained the agreement of the client to the use of a subcontractor or subsidiary.
- (4) Where a notified body subcontracts specific conformity assessment activities, or has such activities carried out by a subsidiary, the notified body must for a period of at least 10 years beginning on the day on which the activities are carried out, keep at the disposal of the Secretary of State the documentation concerning—
- (a) the assessment of the qualifications of the subcontractor or the subsidiary; and
 - (b) the conformity assessment activities carried out by the subcontractor or subsidiary.
- (5) When monitoring a notified body in accordance with regulation 58 (monitoring), the Secretary of State must treat the notified body as responsible for the tasks performed by a subcontractor or subsidiary, wherever the subcontractor or subsidiary is established.

Extent Information

E82 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Fees **E+W+S**

- 42.**—(1) [^{F116}An approved] body may charge fees in connection with, or incidental to, the carrying out of conformity assessment procedures or specific tasks as it may determine.
- (2) The fees referred to in paragraph (1) must not exceed the following—
- (a) the costs incurred or to be incurred by the [^{F117}approved] body in performing the relevant function; and
 - (b) an amount on account of profit which is reasonable in the circumstances having regard to—
 - (i) the character and extent of the work done or to be done by that notified body on behalf of the applicant; and
 - (ii) the commercial rate normally charged on account of profit for that work or similar work.
- (3) The power in paragraph (1) includes the power to require payment of fees or a reasonable estimate of such fees in advance of carrying out the work requested by the applicant.
- (4) Where any fees payable to [^{F116}an approved] body pursuant to this regulation remain unpaid 28 days after either the work has been requested or payment of the fees has been requested in writing, whichever is the later, the notified body may by 14 days' notice in writing provide that, unless the fees are paid before the expiry of the notice, the certificate or notification appropriate to the relevant conformity assessment procedure may be suspended until payment of the fees has been received.
- (5) This regulation does not apply to the Secretary of State.

Extent Information

E20 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F116** Words in [reg. 42](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 27\(a\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F117** Word in [reg. 42\(2\)\(a\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 27\(b\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Fees **N.I.**

42.—(1) A United Kingdom notified body may charge fees in connection with, or incidental to, the carrying out of conformity assessment procedures or specific tasks as it may determine.

(2) The fees referred to in paragraph (1) must not exceed the following—

- (a) the costs incurred or to be incurred by the United Kingdom notified body in performing the relevant function; and
- (b) an amount on account of profit which is reasonable in the circumstances having regard to—
 - (i) the character and extent of the work done or to be done by that notified body on behalf of the applicant; and
 - (ii) the commercial rate normally charged on account of profit for that work or similar work.

(3) The power in paragraph (1) includes the power to require payment of fees or a reasonable estimate of such fees in advance of carrying out the work requested by the applicant.

(4) Where any fees payable to a United Kingdom notified body pursuant to this regulation remain unpaid 28 days after either the work has been requested or payment of the fees has been requested in writing, whichever is the later, the notified body may by 14 days' notice in writing provide that, unless the fees are paid before the expiry of the notice, the certificate or notification appropriate to the relevant conformity assessment procedure may be suspended until payment of the fees has been received.

(5) This regulation does not apply to the Secretary of State.

Extent Information

- E83** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

CHAPTER 2

REQUIREMENTS AS TO THE TECHNICAL DOCUMENTATION REQUIRED FOR THE PURPOSES OF CONFORMITY ASSESSMENT

Application of this Chapter

43. The technical documentation required for the purposes of conformity assessment under these Regulations must satisfy the requirements of this Chapter.

General requirements to be met by technical documentation **E+W+S**

44.—(1) The technical documentation must—

- (a) render the design, manufacture and operation of the [^{F118}regulated] measuring instrument intelligible; and
 - (b) permit an assessment of its conformity with the applicable requirements of [^{F119}these Regulations].
- (2) The technical documentation must be sufficiently detailed to ensure compliance with the following requirements—
- (a) the definition of the metrological characteristics;
 - (b) the reproducibility of the metrological performances of produced [^{F120}regulated] measuring instruments when properly adjusted using appropriate intended means; and
 - (c) the integrity of the [^{F121}regulated] measuring instrument.

Extent Information

E21 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F118 Word in reg. 44(1)(a) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 28(a)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F119 Words in reg. 44(1)(b) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 28(b)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F120 Word in reg. 44(2)(b) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 28(a)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F121 Word in reg. 44(2)(c) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 28(a)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

General requirements to be met by technical documentation **N.I.**

- 44.**—(1) The technical documentation must—
- (a) render the design, manufacture and operation of the measuring instrument intelligible; and
 - (b) permit an assessment of its conformity with the applicable requirements of the Directive.
- (2) The technical documentation must be sufficiently detailed to ensure compliance with the following requirements—
- (a) the definition of the metrological characteristics;
 - (b) the reproducibility of the metrological performances of produced measuring instruments when properly adjusted using appropriate intended means; and
 - (c) the integrity of the measuring instrument.

Extent Information

E84 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Specific information to be included in technical documentation **E+W+S**

45.—(1) The technical documentation must, insofar as relevant for assessment and identification of either the [F122regulated] measuring instrument or its type (or both), include the following information—

- (a) a general description of the [F122regulated] measuring instrument;
 - (b) the conceptual design and manufacturing drawings and plans of components, sub-assemblies, circuits etc.;
 - (c) manufacturing procedures to ensure consistent production;
 - (d) if applicable, a description of the electronic devices with drawings, diagrams, flow diagrams of the logic and general software information explaining their characteristics and operation;
 - (e) descriptions and explanations necessary for the understanding of the information referred to in sub-paragraphs (b) to (d);
 - (f) a list of any [F123designated] standards and normative documents which have been applied in full or in part^{F124} ...;
 - (g) descriptions of the solutions adopted to meet the essential requirements where [F125designated] standards or normative documents have not been applied, including a list of other relevant technical specifications applied;
 - (h) results of design calculations, examinations etc.;
 - (i) the appropriate test results, where necessary to demonstrate that the type or [F122regulated] measuring instruments or both comply with the following—
 - (i) the requirements of [F126these Regulations] under declared rated operating conditions and under specified environmental disturbances; and
 - (ii) the durability specifications for gas [F127and water] meters as well as for liquids other than water; and
 - (j) the [F128type] examination certificates or ^{F129}... design examinations certificates in respect of [F122regulated] measuring instruments containing parts identical to those in the design.
- (2) The manufacturer must specify where seals and markings have been applied.
- (3) The manufacturer must indicate the conditions for compatibility with interfaces and sub-assemblies where relevant.

Extent Information

- E22** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F122** Word in [reg. 45\(1\)](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 27 para. 29\(a\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F123** Word in [reg. 45\(1\)\(f\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 27 para. 29\(b\)\(i\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F124** Words in [reg. 45\(1\)\(f\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 27 para. 29\(b\)\(ii\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

- F125** Word in reg. 45(1)(g) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 29(c)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F126** Words in reg. 45(1)(i)(i) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 29(d)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F127** Words in reg. 45(1)(i)(ii) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 29(e)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F128** Word in reg. 45(1)(j) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 29(f)(i)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F129** Word in reg. 45(1)(j) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 29(f)(ii)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Specific information to be included in technical documentation **N.I.**

45.—(1) The technical documentation must, insofar as relevant for assessment and identification of either the measuring instrument or its type (or both), include the following information—

- (a) a general description of the measuring instrument;
 - (b) the conceptual design and manufacturing drawings and plans of components, sub-assemblies, circuits etc.;
 - (c) manufacturing procedures to ensure consistent production;
 - (d) if applicable, a description of the electronic devices with drawings, diagrams, flow diagrams of the logic and general software information explaining their characteristics and operation;
 - (e) descriptions and explanations necessary for the understanding of the information referred to in sub-paragraphs (b) to (d);
 - (f) a list of any harmonised standards and normative documents which have been applied in full or in part, the references of which have been published in the Official Journal of the European Union;
 - (g) descriptions of the solutions adopted to meet the essential requirements where harmonised standards or normative documents have not been applied, including a list of other relevant technical specifications applied;
 - (h) results of design calculations, examinations etc.;
 - (i) the appropriate test results, where necessary to demonstrate that the type or measuring instruments or both comply with the following—
 - (i) the requirements of the Directive under declared rated operating conditions and under specified environmental disturbances; and
 - (ii) the durability specifications for gas, water and thermal-energy meters as well as for liquids other than water; and
 - (j) the EU-type examination certificates or EU design examinations certificates in respect of measuring instruments containing parts identical to those in the design.
- (2) The manufacturer must specify where seals and markings have been applied.
- (3) The manufacturer must indicate the conditions for compatibility with interfaces and sub-assemblies where relevant.

Extent Information

- E85** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

CHAPTER 3

REQUIREMENTS RELATING TO ^{F130}EU] DECLARATIONS OF CONFORMITY

Textual Amendments

- F130** Word in Pt. 4 Ch. 3 heading omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 27 para. 30** (with **Sch. 27 para. 50(a)**) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Application of Chapter **E+W+S**

46. This Chapter applies in relation to ^{F131}... declarations of conformity made in relation to a [^{F132}regulated] measuring instrument for the purposes of these Regulations.

Extent Information

- E23** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F131** Word in reg. 46 omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 27 para. 31(a)** (with **Sch. 27 para. 50(a)**) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F132** Word in reg. 46 inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 27 para. 31(b)** (with **Sch. 27 para. 50(a)**) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Application of Chapter **N.I.**

46. This Chapter applies in relation to EU declarations of conformity made in relation to a measuring instrument for the purposes of these Regulations.

Extent Information

- E86** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Form and contents of ^{F133}... declaration of conformity etc. **E+W+S**

47.—(1) The ^{F134}... declaration of conformity must—

- (a) state that the fulfilment of the essential requirements has been demonstrated in relation to the measuring instrument;

- (b) contain the elements specified in the relevant conformity assessment modules set out in [F135Schedule 1B] and be updated when appropriate;
 - (c) have the model structure set out in [F136Schedule 1K].
- (2) Where a regulated measuring instrument is placed or made available on the market in the United Kingdom, the F137... declaration of conformity in relation to the instrument must be in English.

Extent Information

E24 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F133** Word in [reg. 47](#) heading omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 27 para. 32\(a\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F134** Word in [reg. 47\(1\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 27 para. 32\(a\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F135** Words in [reg. 47\(1\)\(b\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 27 para. 32\(b\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F136** Words in [reg. 47\(1\)\(c\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 27 para. 32\(c\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F137** Word in [reg. 47\(2\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 27 para. 32\(a\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Form and contents of EU declaration of conformity etc. **N.I.**

- 47.—(1)** The EU declaration of conformity must—
- (a) state that the fulfilment of the essential requirements has been demonstrated in relation to the measuring instrument;
 - (b) contain the elements specified in the relevant conformity assessment modules set out in Annex II to the Directive and be updated when appropriate;
 - (c) have the model structure set out in Annex XIII to the Directive.
- (2) Where a regulated measuring instrument is placed or made available on the market in [F258Northern Ireland], the EU declaration of conformity in relation to the instrument must be in English.

Extent Information

E87 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F258** Words in [reg. 47\(2\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1112), [reg. 1\(b\)](#), [Sch. 14 para. 4\(1\)](#)

[^{F138} Regulated measuring instruments that require more than one declaration of conformity E+W+S

48. Where a regulated measuring instrument is subject to more than one enactment requiring the drawing up of a declaration of conformity, the manufacturer must draw up a single declaration of conformity which identifies each enactment by its title.]

Extent Information

E25 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F138 Reg. 48 substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 27 para. 33** (with Sch. 27 para. 50(a)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**

Measuring instruments that require more than one declaration of conformity N.I.

48.—(1) This regulation applies where a measuring instrument is subject to [^{F259}an NI Protocol obligation] for an EU declaration of conformity otherwise than by virtue of these Regulations.

(2) Where this regulation applies, a single EU declaration of conformity must be drawn up covering all applicable requirements which identifies the [^{F260}relevant] Union acts concerned including their publication references.

Extent Information

E88 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F259 Words in [reg. 48\(1\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1112), reg. 1(b), **Sch. 14 para. 4(2)(a)**

F260 Word in [reg. 48\(2\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1112), reg. 1(b), **Sch. 14 para. 4(2)(b)**

Responsibility of manufacturer that draws up declaration of conformity E+W+S

49. A manufacturer, who draws up [^{F139}a] declaration of conformity in relation to a [^{F140}regulated] measuring instrument, is responsible for compliance of the measuring instrument with the requirements of these Regulations.

Extent Information

E26 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F139** Word in [reg. 49](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 27 para. 34\(a\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))
- F140** Word in [reg. 49](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 27 para. 34\(b\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))

Responsibility of manufacturer that draws up declaration of conformity **N.I.**

49. A manufacturer, who draws up an EU declaration of conformity in relation to a measuring instrument, is responsible for compliance of the measuring instrument with the requirements of these Regulations.

Extent Information

- E89** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

CHAPTER 4

CONFORMITY MARKING

Conformity with ^{F141}... requirements to be indicated by the [^{F142}UK] marking **E+W+S**

50. The conformity of a measuring instrument with the requirements of these Regulations must be indicated by the presence on it of the [^{F143}UK] marking and the M marking.

Extent Information

- E27** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F141** Word in [reg. 50](#) heading omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 27 para. 35\(a\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))
- F142** Word in [reg. 50](#) heading substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 27 para. 35\(b\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))
- F143** Word in [reg. 50](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), [reg. 1](#), [Sch. 27 para. 35\(b\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#))

Conformity with Directive requirements to be indicated by the CE marking **N.I.**

50. The conformity of a measuring instrument with the requirements of these Regulations must be indicated by the presence on it of the CE marking and the M marking.

Extent Information

E90 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

[^{F144}Prohibition on improper use of the UK marking and the M marking **E+W+S**

51.—(1) An economic operator must not affix the UK marking or the M marking to a regulated measuring instrument unless—

- (a) that economic operator is the manufacturer of the regulated measuring instrument; and
- (b) the conformity of the regulated measuring instrument with the essential requirements has been demonstrated by a relevant conformity assessment procedure.

(2) An economic operator must not affix a marking to a regulated measuring instrument which is not the UK marking or the M marking but which purports to attest that the regulated measuring instrument satisfies the essential requirements.

(3) An economic operator must not affix to a regulated measuring instrument a marking, sign or inscription which is likely to mislead any other person as to the meaning or form of the marking.

(4) An economic operator must not affix to a regulated measuring instrument any other marking if the visibility, legibility and meaning of the UK marking or the M marking would be impaired as a result.]

Extent Information

E28 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F144 Reg. 51 substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 27 para. 36** (with Sch. 27 para. 50(a)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**

General principles relating to the M marking **N.I.**

51. The general principles set out in article 30 of RAMS apply to the M marking with such modifications as are necessary in the circumstances.

Extent Information

E91 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Rules and conditions for affixing the [^{F145}UK] marking and the M marking **E+W+S**

52.—(1) The [^{F146}UK] marking and the M marking (“the markings”) must be affixed to a [^{F147}regulated] measuring instrument in accordance with the provisions of this regulation.

(2) The markings must be affixed visibly, legibly and indelibly to the [F147regulated] measuring instrument [F148, its data plate, or where regulation 7(2) applies, to a label affixed to the [F147regulated] measuring instrument or to a document accompanying the [F147regulated] measuring instrument].

(3) Paragraph (2) does not apply where it is not possible or not warranted on account of the nature of the [F147regulated] measuring instrument, in which case the markings must be affixed to the documents which accompany the [F147regulated] measuring instrument and any packaging.

(4) When a [F147regulated] measuring instrument consists of a series of devices^{F149} ..., operating together, the markings must be affixed on the instrument's main device.

(5) The markings must be affixed before the [F147regulated] measuring instrument is placed on the market.

(6) The markings may be affixed to the [F147regulated] measuring instrument during the fabrication process, if justified.

(7) The M marking must immediately follow the [F150UK] marking.

(8) The markings must immediately be followed by the identification number of the [F151approved] body where that body is involved in the production control phase as set out in [F152Schedule 1B].

(9) The identification number of the [F153approved] body referred to in paragraph (8) must—

- (a) be affixed by the body itself, or under its instructions by the manufacturer or his authorised representative; and
- (b) be indelible or self-destructive upon removal.

(10) The markings and (where applicable) the identification number of the [F154approved] body may be followed by any other mark indicating a special risk or use.

Extent Information

E29 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F145 Word in reg. 52 heading substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 27 para. 37(b) (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F146 Word in reg. 52(1) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 27 para. 37(b) (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F147 Word in reg. 52(1)-(6) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 27 para. 37(a) (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F148 Words in reg. 52(2) substituted (E.W.S.) (31.12.2020) by S.I. 2019/696, Sch. 27 para. 37(bb) (as inserted by The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 (S.I. 2020/1460), reg. 1(4), Sch. 3 para. 19(5))

F149 Words in reg. 52(4) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 27 para. 37(c) (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F150 Word in reg. 52(7) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 27 para. 37(b) (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

- F151** Word in reg. 52(8) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 37(e)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F152** Words in reg. 52(8) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 37(d)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F153** Word in reg. 52(9) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 37(e)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F154** Word in reg. 52(10) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 37(e)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Rules and conditions for affixing the CE marking and the M marking **N.I.**

52.—(1) The CE marking and the M marking (“the markings”) must be affixed to a measuring instrument in accordance with the provisions of this regulation.

(2) The markings must be affixed visibly, legibly and indelibly to the measuring instrument or its data plate.

(3) Paragraph (2) does not apply where it is not possible or not warranted on account of the nature of the measuring instrument, in which case the markings must be affixed to the documents which accompany the measuring instrument and any packaging.

(4) When a measuring instrument consists of a series of devices, not being sub-assemblies, operating together, the markings must be affixed on the instrument's main device.

(5) The markings must be affixed before the measuring instrument is placed on the market.

(6) The markings may be affixed to the measuring instrument during the fabrication process, if justified.

(7) The M marking must immediately follow the CE marking.

(8) The markings must immediately be followed by the identification number of the notified body where that body is involved in the production control phase as set out in Annex II to the Directive.

(9) The identification number of the notified body referred to in paragraph (8) must—

- (a) be affixed by the body itself, or under its instructions by the manufacturer or his authorised representative; and
- (b) be indelible or self-destructive upon removal.

(10) The markings and (where applicable) the identification number of the notified body may be followed by any other mark indicating a special risk or use.

Extent Information

E92 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

[^{F155}UK(NI) indication

52A.—(1) Where the CE marking is affixed on the basis of an assessment or a certificate issued by a notified body established in the United Kingdom, a UK(NI) indication must be affixed in relation to the regulated measuring instrument, in accordance with this regulation.

(2) The UK(NI) indication must be affixed—

- (a) visibly, legibly and indelibly; and
- (b) before the regulated measuring instrument is placed on the market in Northern Ireland.
- (3) The UK(NI) indication must accompany the CE marking, wherever that is affixed in accordance with regulation 52.
- (4) The UK(NI) indication must be affixed by—
 - (a) the manufacturer; or
 - (b) the manufacturer's authorised representative.
- (5) When placing a regulated measuring instrument on the market in Northern Ireland, an importer must ensure that the manufacturer has complied with their obligations under this regulation.

Textual Amendments

F155 Regs. 52A, 52B inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), reg. 1(2), **Sch. 2 para. 12(3)**

Register of notified bodies established in the United Kingdom

52B.—(1) The Secretary of State must ensure that—

- (a) each notified body established in the United Kingdom is assigned an identification number; and
 - (b) there is a register of—
 - (i) notified bodies established in the United Kingdom;
 - (ii) their notified body identification number;
 - (iii) the activities for which they have been notified;
 - (iv) any restrictions on those activities.
- (2) The Secretary of State must ensure that the register referred to in paragraph (1) is maintained and made publicly available.
- (3) The Secretary of State may authorise the United Kingdom Accreditation Service to compile and maintain the register in accordance with paragraph (1)(b).]

Textual Amendments

F155 Regs. 52A, 52B inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), reg. 1(2), **Sch. 2 para. 12(3)**

PART 5

[^{F156}APPROVAL OF CONFORMITY ASSESSMENT BODIES]

[^{F156}NOTIFICATION OF CONFORMITY ASSESSMENT BODIES]

Textual Amendments

F156 Pt. 5 (regs. 53-59) substituted for Pt. 5 (regs. 53-60) (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 27 para. 38** (with **Sch. 27 para. 50(a)**) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**

[^{F156}Approved bodies **E+W+S**]

53.—(1) An approved body is a conformity assessment body which—

- (a) has been approved by the Secretary of State pursuant to the procedure set out in regulation 54 (approval of conformity assessment bodies); or
- (b) immediately before IP completion day was a notified body in respect of which the Secretary of State had taken no action under regulation 60(1) or (2) as they had effect immediately before IP completion day to suspend or withdraw the body's status as a notified body.

(2) Paragraph (1) has effect subject to regulation 57 (restriction, suspension or withdrawal of approval).

(3) In this Part—

“notified body” means a body—

- (a) which the Secretary of State had before IP completion day notified to the European Commission and the member States of the European Union, in accordance with Article 23 of the Directive; and
- (b) in respect of which no objections had been raised, as referred to in regulation 53(2)(b), as it had effect immediately before IP completion day;

“approved body requirements” means the requirements set out in Schedule 5.]

Extent Information

E30 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Introductory **N.I.**

53.—(1) This Part applies to the notification to the Commission and other [^{F261}relevant] states of the bodies authorised to carry out conformity assessment procedures in the United Kingdom in relation to measuring instruments.

(2) For the purposes of this Part, a notified body is a conformity assessment body—

- (a) which has been notified to the Commission and to other [^{F261}relevant] states under regulation 55 (notification); and
- (b) in respect of which no objections [^{F262}, other than an immaterial objection,] are raised by the Commission or other [^{F261}relevant] states—

- (i) within 2 weeks of a notification, where an accreditation certificate is used; or
- (ii) within 2 months of a notification, where accreditation is not ^{F263}used;]
- ^{F264}(c) in sub-paragraph (b), an “immaterial objection” is an objection on the grounds that—
 - (i) the conformity assessment body is established in the United Kingdom; or
 - (ii) the accreditation certificate was issued by the United Kingdom Accreditation Service.]
- (3) Paragraph (2) has effect subject to regulation 60 (changes to notifications).

Extent Information

E93 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F261** Word in [reg. 53](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), [Sch. 14 para. 5\(1\)\(a\)](#)
- F262** Words in [reg. 53\(2\)\(b\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), [Sch. 14 para. 5\(1\)\(b\)\(i\)](#)
- F263** Word in [reg. 53\(2\)\(b\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), [Sch. 14 para. 5\(1\)\(b\)\(ii\)](#)
- F264** [Reg. 53\(2\)\(c\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), [Sch. 14 para. 5\(1\)\(c\)](#)

^{F156}Approval of conformity assessment bodies **E+W+S**

54.—(1) The Secretary of State may approve only those conformity assessment bodies that qualify for approval.

(2) A conformity assessment body qualifies for approval if the first and second conditions below are met.

(3) The first condition is that the conformity assessment body has applied to the Secretary of State to become an approved body and that application is accompanied by—

- (a) a description of—
 - (i) the conformity assessment activities that the conformity assessment body intends to carry out;
 - (ii) the conformity assessment procedure in respect of which the conformity assessment body claims to be competent; and
 - (iii) the regulated measuring instrument for which the conformity assessment body claims to be competent; and
- (b) either—
 - (i) an accreditation certificate; or
 - (ii) the documentary evidence necessary for the Secretary of State to verify, recognise and regularly monitor the conformity assessment body's compliance with the approved body requirements.

(4) The second condition is that the Secretary of State is satisfied that the conformity assessment body meets the approved body requirements.

(5) For the purposes of paragraph (4), the Secretary of State may accept an accreditation certificate, provided in accordance with paragraph (3)(b)(i), as sufficient evidence that the conformity assessment body meets the approved body requirements.

(6) When deciding whether to approve a conformity assessment body that qualifies for approval, the Secretary of State may—

- (a) have regard to any other matter which appears to the Secretary of State to be relevant; and
- (b) set conditions that the conformity assessment body must meet.

(7) For the purposes of this regulation “accreditation certificate” means a certificate, issued by the UK national accreditation body, attesting that a conformity assessment body meets the approved body requirements.]

Extent Information

E31 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

The notifying authority **N.I.**

54.—(1) The notifying authority for the purposes of these Regulations is the Secretary of State.

(2) The functions of the notifying authority are—

- (a) to assess whether applicants for recognition as conformity assessment bodies meet the requirements for recognition as such;
- (b) where an assessment that a body is qualified to act as a conformity assessment body is made, to notify the Commission of that fact; and
- (c) to carry out such monitoring of bodies notified to the Commission to ensure continuing compliance with the requirements of these Regulations.

(3) The notifying authority may delegate the performance of its functions to a body that meets the requirements of Articles 24(3) and 25 of the Directive but in the event of such a delegation the notifying authority remains fully responsible for the performance of those functions.

(4) The notifying authority must supply such information as the Commission may request in relation to a body notified by it.

Extent Information

E94 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

[^{F156}Presumption of conformity of approved bodies **E+W+S**

55.—(1) Where a conformity assessment body demonstrates its conformity with the criteria laid down in a designated standard (or part of such standard), the Secretary of State is to presume that the conformity assessment body meets the approved body requirements covered by that standard (or that part of that standard).

(2) The presumption in paragraph (1) is rebuttable.]

Extent Information

E32 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Notification **N.I.**

55.—(1) The Secretary of State may notify to the Commission and the other [^{F265}relevant] states only those conformity assessment bodies that qualify for notification.

(2) A conformity assessment body qualifies for notification if the first and the second conditions below are met.

(3) The first condition is that the conformity assessment body makes an application to the Secretary of State for notification and that application is accompanied by—

- (a) a description of—
 - (i) the conformity assessment activities that the conformity assessment body intends to carry out;
 - (ii) the conformity assessment module for which the conformity assessment body claims to be competent; and
 - (iii) the measuring instrument for which the conformity assessment body claims to be competent; and either
- (b) an accreditation certificate; or
- (c) the documentary evidence necessary for the Secretary of State to verify, recognise and regularly monitor the conformity assessment body's compliance with the notified body requirements.

(4) The second condition is that the Secretary of State is satisfied that the conformity assessment body meets the requirements of Schedule 5 (“the notified body requirements”).

(5) For the purposes of paragraph (4), the Secretary of State may accept an accreditation certificate, provided in accordance with paragraph (3)(b), as sufficient evidence that the conformity assessment body meets the notified body requirements.

(6) When deciding whether to notify a conformity assessment body that qualifies for notification to the Commission and the other [^{F265}relevant] states, the Secretary of State may—

- (a) have regard to any other matter which appears to the Secretary of State to be relevant; and
- (b) set conditions that the conformity assessment body must meet.

(7) The Secretary of State must inform the Commission of the United Kingdom's procedures for the assessment and notification of conformity assessment bodies, and any changes to those procedures.

Extent Information

E95 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F265 Word in [reg. 55](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 14 para. 5\(2\)](#)

[^{F156}Monitoring **E+W+S**

56. The Secretary of State must monitor each approved body with a view to verifying that the body—

- (a) continues to meet the approved body requirements;
- (b) meets any conditions set—
 - (i) in accordance with regulation 54(6)(b); or
 - (ii) in the case of an approved body which was a notified body immediately before IP completion day, in accordance with regulation 54(6)(b) as it applied immediately before IP completion day; and
- (c) carries out its functions in accordance with these Regulations.]

Extent Information

E33 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Presumption of conformity of notified bodies **N.I.**

56.—(1) Where a conformity assessment body demonstrates its conformity with the criteria laid down in a harmonised standard (or part of such a standard), the reference of which has been published in the Official Journal of the European Union, the Secretary of State is to presume that the conformity assessment body meets the notified body requirements covered by that standard (or part of that standard).

(2) The presumption in paragraph (1) is rebuttable.

Extent Information

E96 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

[^{F156}Restriction, suspension or withdrawal of approval **E+W+S**

57.—(1) Where the Secretary of State determines that an approved body—

- (a) no longer meets an approved body requirement, or
- (b) is failing to fulfil its obligations under these Regulations, other than a condition referred to in regulation 54(6)(b),

the Secretary of State must restrict, suspend or withdraw the body's status as an approved body under regulation 54 (approval of conformity assessment bodies).

(2) With the consent of an approved body, or where the Secretary of State determines that an approved body no longer meets a condition referred to in regulation 56(b), the Secretary of State may restrict, suspend or withdraw the body's status as an approved body under regulation 54 (approval of conformity assessment bodies).

(3) In deciding what action is required under paragraph (1) or (2), the Secretary of State must have regard to the seriousness of the non-compliance.

(4) Before taking action under paragraph (1) or (2), the Secretary of State must—

- (a) give notice in writing to the approved body of the proposed action and the reasons for it;

- (b) give the approved body an opportunity to make representations to the Secretary of State regarding the proposed action within a reasonable period from the date of the notice; and
 - (c) consider any such representations made by the approved body.
- (5) Where the Secretary of State has taken action in respect of an approved body under paragraph (1) or (2), or where an approved body has ceased its activity, the approved body must—
- (a) on the request of the Secretary of State, transfer its files relating to the activities it has undertaken as an approved body to another approved body or to the Secretary of State; or
 - (b) in the absence of a request under sub-paragraph (a), ensure that its files relating to the activities it has undertaken as an approved body are kept available for the Secretary of State and competent authorities for a period of 10 years from the date they were created.
- (6) The activities undertaken as an approved body referred to in paragraph (5) include any activities that the body has undertaken as a notified body.
- (7) The Secretary of State may impose a monetary penalty on an approved body that fails to comply with any requirement imposed by or under paragraph (5).
- (8) Schedule 7 has effect in relation to a monetary penalty imposed under paragraph (7).]

Extent Information

E34 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Contents of notification **N.I.**

- 57.** A notification under regulation 55 (notification) must include—
- (a) details of—
 - (i) the conformity assessment activities in respect of which the conformity assessment body has made its application for notification;
 - (ii) the conformity assessment module in respect of which the conformity assessment body has made its application for notification;
 - (iii) the measuring instrument in respect of which the conformity assessment body has made its application for notification; and either
 - (b) an accreditation certificate; or
 - (c) documentary evidence which attests to—
 - (i) the conformity assessment body's competence; and
 - (ii) the arrangements in place to ensure that the conformity assessment body will be monitored regularly and will continue to meet the notified body requirements.

Extent Information

E97 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

[^{F156}Register of approved bodies **E+W+S**

- 58.**—(1) The Secretary of State must—
- (a) assign an approved body identification number to each approved body; and

- (b) compile and maintain a register of—
 - (i) approved bodies;
 - (ii) their approved body identification numbers;
 - (iii) the activities for which they have been approved; and
 - (iv) any restrictions on those activities.
- (2) The register referred to in paragraph (1) must be made publicly available.]

Extent Information

E35 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Monitoring **N.I.**

58.—(1) The Secretary of State must monitor each notified body with a view to verifying that the notified body—

- (a) continues to meet the notified body requirements;
- (b) meets any conditions set in accordance with regulation 55(6)(b); and
- (c) carries out its functions in accordance with these Regulations.

(2) The Secretary of State must inform the Commission of the United Kingdom's procedures for the monitoring of notified bodies, and any changes to those procedures.

Extent Information

E98 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

^{F156}UK national accreditation body **E+W+S**

59.—(1) The Secretary of State may authorise the UK national accreditation body to carry out the following activities on behalf of the Secretary of State—

- (a) assessing whether a conformity assessment body meets the approved body requirements; and
- (b) monitoring approved bodies in accordance with regulation 56;

(2) Where the Secretary of State authorises the UK national accreditation body pursuant to paragraph (1), the Secretary of State remains fully responsible for anything done pursuant to that authorisation.]

Extent Information

E36 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Delegation to the United Kingdom Accreditation Service **N.I.**

59. The Secretary of State may authorise the United Kingdom Accreditation Service to carry out the following activities on behalf of the Secretary of State—

(a) assessing whether a conformity assessment body meets the notified body requirements;
and

(b) monitoring notified bodies.

(2) Where the Secretary of State authorises the United Kingdom Accreditation Service pursuant to paragraph (1), the Secretary of State remains fully responsible for anything done pursuant to that authorisation.

Extent Information

E99 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Changes to notifications **E+W+S**

^{F156}**60.**

Extent Information

E37 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Changes to notifications **N.I.**

60.—(1) Where the Secretary of State determines that a notified body no longer meets a notified body requirement, or that it is failing to fulfil any of its obligations under these Regulations other than conditions set in accordance with regulation 55(6)(b), the Secretary of State must restrict, suspend or withdraw the body's status as a notified body under regulation 55 (notification).

(2) With the consent of a notified body, or where the Secretary of State determines that a notified body no longer meets a condition set in accordance with regulation 55(6)(b), the Secretary of State may restrict, suspend or withdraw the body's status as a notified body under regulation 55.

(3) In deciding what action is required under paragraph (1) or (2), the Secretary of State must have regard to the seriousness of the failure.

(4) Before taking action under paragraph (1) or (2), the Secretary of State must—

- (a) give notice in writing that the Secretary of State intends to take such action and the reasons for taking such action; and
- (b) give the notified body an opportunity to make representations within a reasonable period from the date of that notice and consider any such representations.

(5) Where the Secretary of State takes action under paragraph (1) or (2), the Secretary of State must immediately inform the Commission and the other [^{F266}relevant] states.

(6) Where the Secretary of State has taken action in respect of a notified body under paragraph (1) or (2), or where a notified body has ceased its activity, the body must—

- (a) on the request of the Secretary of State, transfer its files to another notified body or to the Secretary of State; or
- (b) in the absence of a request under sub-paragraph (a), ensure that its files are kept available for the Secretary of State and each enforcing authority for such period as the Secretary of State may specify.

(7) The Secretary of State may impose a monetary penalty on a United Kingdom notified body that fails to comply with any requirement imposed by or under paragraph (6).

(8) Schedule 7 has effect in relation to a monetary penalty imposed under paragraph (7)

Textual Amendments

F266 Word in reg. 60(5) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), [Sch. 14 para. 5\(3\)](#)

PART 6

USE FOR TRADE OF CERTAIN REGULATED MEASURING INSTRUMENTS

61. The use for trade of the following equipment must comply with the requirements of Schedule 6—

- (a) water meters for the supply of potable water in the temperature range from 0.1°C to and including 30°C;
- (b) measuring systems which are used for the continuous and dynamic measurement in a quantity not exceeding 100 litres or 100 kilograms of a liquid fuel, lubricant or a mixture of fuel and lubricant other than—
 - (i) liquefied petroleum gas; or
 - (ii) liquefied natural gas;
- (c) measuring systems (other than one used in connection with the refuelling of aircraft, ships or hovercraft) which are used for the continuous and dynamic measurement in a quantity exceeding 100 litres or 100 kilograms of liquid fuel delivered from a road tanker other than—
 - (i) liquefied gases;
 - (ii) lubricating oils;
 - (iii) liquid fuels of a temperature below -153°C; or
 - (iv) liquid fuels of a dynamic viscosity exceeding 100 millipascal seconds at 15°C;
- (d) automatic catchweighers;
- (e) automatic gravimetric filling instruments;;
- (f) automatic discontinuous totalisers;
- (g) automatic rail weighbridges;
- (h) beltweighers;
- (i) material measures of length; and
- (j) capacity serving measures.

PART 7

MARKET SURVEILLANCE AND ENFORCEMENT

CHAPTER 1

MARKET SURVEILLANCE

The market surveillance authority

62. The Secretary of State is the market surveillance authority for the purposes of these Regulations and RAMS.

Regulated measuring instruments presenting a risk **E+W+S**

63.—(1) This regulation applies where the market surveillance authority has sufficient reason to believe that a regulated measuring instrument presents a risk on grounds of public interest, public health, public safety, public order, protection of the environment, protection of consumers, the levying of taxes and duties or fair trading.

(2) Where this regulation applies the market surveillance authority must carry out an evaluation of the regulated measuring instrument covering all relevant requirements of these Regulations which apply to that instrument.

(3) The relevant economic operators in relation to the regulated measuring instrument must co-operate as necessary with the market surveillance authority for that purpose.

(4) Where in the course of the evaluation referred to in paragraph (2), the market surveillance authority finds that the regulated measuring instrument does not comply with the essential requirements applicable to it, it must without delay issue a direction which requires the relevant economic operator to—

- (a) take all appropriate corrective actions;
- (b) withdraw the instrument from the market; or
- (c) recall it within a reasonable period commensurate with the nature of the risk.

(5) Where the market surveillance authority acts under paragraph (4), it must without delay inform the [^{F157}approved] body that carried out the conformity assessment procedure in respect of the regulated measuring instrument of—

- (a) the respect in which the instrument is not in conformity with the requirements of these Regulations; and
- (b) the actions that the authority is requiring the relevant economic operator to take.

^{F158}(6)

(7) The economic operator must ensure that all appropriate corrective action is taken in respect of all the regulated measuring instruments concerned that it has made available [^{F159}in the United Kingdom].

(8) Where the relevant economic operator does not take adequate corrective action within a reasonable period, the market surveillance authority must take all provisional measures to prohibit or restrict the regulated measuring instrument being made available on the market, to withdraw the instrument from the market or to recall it.

^{F160}(9)

^{F161}(10)

Extent Information

- E38** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F157** Word in [reg. 63\(5\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 39\(a\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F158** [Reg. 63\(6\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 39\(b\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F159** Words in [reg. 63\(7\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 39\(c\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F160** [Reg. 63\(9\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [S.I. 2019/696](#), Sch. 17 para. 39(d) (as substituted by [The Product Safety, Metrology and Mutual Recognition Agreement \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/1246), regs. 1(3), [15\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1))
- F161** [Reg. 63\(10\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [S.I. 2019/696](#), Sch. 17 para. 39(e) (as substituted by [The Product Safety, Metrology and Mutual Recognition Agreement \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/1246), regs. 1(3), [15\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1))

Regulated measuring instruments presenting a risk **N.I.**

63.—(1) This regulation applies where the market surveillance authority has sufficient reason to believe that a regulated measuring instrument presents a risk on grounds of public interest, public health, public safety, public order, protection of the environment, protection of consumers, the levying of taxes and duties or fair trading.

(2) Where this regulation applies the market surveillance authority must carry out an evaluation of the regulated measuring instrument covering all relevant requirements of these Regulations which apply to that instrument.

(3) The relevant economic operators in relation to the regulated measuring instrument must co-operate as necessary with the market surveillance authority for that purpose.

(4) Where in the course of the evaluation referred to in paragraph (2), the market surveillance authority finds that the regulated measuring instrument does not comply with the essential requirements applicable to it, it must without delay issue a direction which requires the relevant economic operator to—

- (a) take all appropriate corrective actions;
- (b) withdraw the instrument from the market; or
- (c) recall it within a reasonable period commensurate with the nature of the risk.

(5) Where the market surveillance authority acts under paragraph (4), it must without delay inform the notified body that carried out the conformity assessment procedure in respect of the regulated measuring instrument of—

- (a) the respect in which the instrument is not in conformity with the requirements of these Regulations; and
- (b) the actions that the authority is requiring the relevant economic operator to take.

(6) [^{F267}Subject to paragraph (6A),] where the market surveillance authority considers that non-compliance is not restricted to [^{F268}Northern Ireland], it must inform the Commission and the other

[^{F269}relevant] states of the results of the evaluation and of the actions which they have required the economic operator to take.

[^{F270}(6A) Paragraph (6) does not require the Secretary of State to inform the Commission or the other relevant states where the non-compliance extends only to any of England or Wales or Scotland.]

(7) The economic operator must ensure that all appropriate corrective action is taken in respect of all the regulated measuring instruments concerned that it has made available on the market throughout [^{F271}Northern Ireland].

(8) Where the relevant economic operator does not take adequate corrective action within a reasonable period, the market surveillance authority must take all provisional measures to prohibit or restrict the regulated measuring instrument being made available on the market [^{F272}in Northern Ireland], to withdraw the instrument from the market [^{F273}in Northern Ireland] or to recall it.

(9) Where the market surveillance authority takes measures under paragraph (8), the market surveillance authority must notify the Commission and the other [^{F274}relevant states] of those measures without delay.

(10) A notification under paragraph (9) must include all available details, in particular—

- (a) the data necessary for the identification of the non-compliant regulated measuring instrument;
- (b) the origin of the instrument;
- (c) the nature of the non-compliance alleged and the risk involved;
- (d) the nature and duration of the measures taken;
- (e) the arguments put forward by the relevant economic operator; and
- (f) whether the non-compliance is due to either of the following—
 - (i) failure of the regulated measuring instrument to meet the requirements relating to a risk;
 - (ii) shortcomings in the harmonised standards referred to in regulation 37(a).

Extent Information

E100 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F267 Words in reg. 63(6) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 14 para. 6(1)(a)(i)**

F268 Words in reg. 63(6) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 14 para. 6(1)(a)(ii)**

F269 Word in reg. 63(6) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 14 para. 6(1)(a)(iii)**

F270 Reg. 63(6A) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 14 para. 6(1)(b)**

F271 Words in reg. 63(7) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 14 para. 6(1)(c)**

- F272** Words in reg. 63(8) inserted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 14 para. 6(1)(d)(i)**
- F273** Words in reg. 63(8) inserted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 14 para. 6(1)(d)(ii)**
- F274** Words in reg. 63(9) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 14 para. 6(1)(e)**

EU safeguard procedure

64.—^{F162}(1) Where another ^{F163}[relevant state] has initiated the procedure under Article 42 of the Directive, the Market surveillance authority must without delay, inform the Commission and the other ^{F164}[relevant states] of—

- (a) any measures taken by a competent authority in respect of the regulated measuring instrument;
- (b) any additional information which the market surveillance authority has at its disposal relating to the lack of conformity of the regulated measuring ^{F165}[instrument.]

^{F166}(c)

(2) Where a measure taken by another ^{F167}[relevant] state in respect of a regulated measuring instrument is considered justified under Article 42 of the Directive, the market surveillance authority must ensure that appropriate measures to withdraw the instrument are taken in respect of the regulated measuring instrument without delay.

(3) If, pursuant to Article 43 of the Directive, the Commission considers a direction given pursuant to regulation 63(4) is unjustified, the market surveillance authority must forthwith withdraw it and notify other enforcement authorities and economic operators affected accordingly.]

Textual Amendments

- F162** Reg. 64 omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 40** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F163** Words in reg. 64(1) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 14 para. 6(2)(a)(i)**
- F164** Words in reg. 64(1) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 14 para. 6(2)(a)(ii)**
- F165** Word in reg. 64(1)(b) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 14 para. 6(2)(a)(iii)**
- F166** Reg. 64(1)(c) omitted (N.I.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 14 para. 6(2)(a)(iv)**
- F167** Word in reg. 64(2) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 14 para. 6(2)(b)**

Compliant regulated measuring instruments which present a risk **E+W+S**

65.—(1) This regulation applies where, having carried out an evaluation under regulation 63, the market surveillance authority finds that although a regulated measuring instrument is in compliance with the requirements of these Regulations, it presents a risk on grounds of public interest, public health, public safety, public order, protection of the environment, protection of consumers, the levying of taxes and duties or fair trading.

(2) Where this regulation applies, the market surveillance authority must issue a direction requiring the economic operator to—

- (a) take all appropriate measures to ensure that the regulated measuring instrument concerned, when placed on the market, no longer presents that risk;
- (b) withdraw the regulated measuring instrument from the market; or
- (c) recall it within a reasonable period, commensurate with the nature of the risk as it may prescribe.

^{F168}(3)

Extent Information

E39 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F168 Reg. 65(3) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 41](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Compliant regulated measuring instruments which present a risk **N.I.**

65.—(1) This regulation applies where, having carried out an evaluation under regulation 63, the market surveillance authority finds that although a regulated measuring instrument is in compliance with the requirements of these Regulations, it presents a risk on grounds of public interest, public health, public safety, public order, protection of the environment, protection of consumers, the levying of taxes and duties or fair trading.

(2) Where this regulation applies, the market surveillance authority must issue a direction requiring the economic operator to—

- (a) take all appropriate measures to ensure that the regulated measuring instrument concerned, when placed on the market, no longer presents that risk;
- (b) withdraw the regulated measuring instrument from the market [^{F275}in Northern Ireland]; or
- (c) recall it within a reasonable period, commensurate with the nature of the risk as it may prescribe.

(3) Where this regulation applies, the market surveillance authority must immediately inform the Commission and the other [^{F276}relevant] states of all available details including—

- (a) the data necessary for the identification of the regulated measuring instrument concerned;
- (b) the origin and supply chain of the regulated measuring instrument;
- (c) the nature of the risk involved; and
- (d) the nature and duration of the national measures taken.

Extent Information

- E101** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F275** Words in [reg. 65\(2\)\(b\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 14 para. 6\(3\)\(a\)](#)
- F276** Word in [reg. 65\(3\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 14 para. 6\(3\)\(b\)](#)

Provisions as to directions under regulations 63 and 65

- 66.**—(1) This regulation applies in relation to directions given under regulations 63 and 65.
- (2) A direction must—
- (a) be in writing;
 - (b) describe the regulated measuring instrument to which it relates in a manner sufficient to identify that instrument;
 - (c) specify the risk identified by the market surveillance authority;
 - (d) specify the steps that the economic operator must take (including the time period within which they must be taken).
- (3) The Secretary of State may impose a monetary penalty on an economic operator who fails to comply with a direction given under regulation 63 or 65.
- (4) Schedule 7 has effect in relation to a monetary penalty imposed under paragraph (3).

CHAPTER 2

ENFORCEMENT AUTHORITIES AND PROCEDURES

Enforcement of the Regulations

- 67.**—(1) The Secretary of State—
- (a) must enforce these regulations where required to do so in the capacity of the market surveillance authority; and
 - (b) may otherwise than in the capacity of market surveillance authority, enforce these Regulations in Great Britain,
- and for the purposes of this paragraph may appoint a person to act on his behalf.
- (2) In Great Britain it is the duty of every local weights and measures authority to enforce these Regulations within its area in relation to regulated measuring instruments other than—
- (a) gas meters;
 - (b) active electrical energy meters;
 - (c) taximeters; and
 - (d) exhaust gas analysers.
- (3) In Northern Ireland—

- (a) the Department for Infrastructure must enforce these Regulations in relation to regulated measuring instruments of the following kinds—
 - (i) taximeters; and
 - (ii) exhaust gas analysers.
- (b) the Utility Regulator (or the Secretary of State pursuant to arrangements made under paragraph (7)) must enforce the Regulations in relation to regulated measuring instruments of the following kinds—
 - (i) gas meters; and
 - (ii) active electrical energy meters.
- (c) the Department for the Economy must enforce these Regulations (other than Part 6) insofar as they relate to regulated measuring instruments of the following kinds—
 - (i) cold water meters;
 - (ii) automatic weighing instruments;
 - (iii) material measures; and
 - (iv) non-water liquid measuring systems.
- (4) No proceedings for an offence under these Regulations may be instituted in England and Wales except by or on behalf of a competent authority.
- (5) Nothing in these Regulations shall authorise a competent authority to bring proceedings in Scotland for an offence.
- (6) No proceedings shall be instituted in Northern Ireland for an offence under these Regulations in respect of a regulated measuring instrument except—
 - (a) by or on behalf of a competent authority which has responsibility for enforcing these Regulations in respect of that regulated measuring instrument; or
 - (b) the Director of Public Prosecutions for Northern Ireland.
- (7) The Secretary of State and the Utility Regulator may, in relation to the enforcement of these Regulations in Northern Ireland, enter into arrangements for the Secretary of State to act on behalf of the Utility Regulator for, or in connection with, the carrying out of some or all of the functions conferred on the Utility Regulator by these Regulations.

Compliance notice procedure E+W+S

68.—(1) This regulation applies where a competent authority has reasonable grounds for considering that one or more of the following breaches applies in relation to a regulated measuring instrument that has been placed on the market or put into use—

- (a) the [^{F169}UK] marking or the M marking has been affixed in violation of [^{F170}regulation 51 or regulation 52];
- (b) the [^{F171}UK] marking or the M marking has not been affixed;
- (c) the identification number of the [^{F172}approved] body, where the [^{F172}approved] body is involved in the production control phase has—
 - (i) been affixed otherwise than in accordance with the requirements of these Regulations; or
 - (ii) not been affixed;
- (d) the ^{F173}... declaration of conformity has not been drawn up correctly;
- (e) the technical documentation is either not available or is not complete;

- (f) the information referred to in regulation 11 or regulation 20 is false or incomplete; or
- (g) any other failure—
 - (i) by a manufacturer to comply with the requirements of Chapter 1 of Part 2; or
 - (ii) by an importer to comply with the requirements of Chapter 2 of Part 2.
- (2) The competent authority may serve a notice in writing (“a compliance notice”) on the economic operator it considers is the responsible for the breach which must—
 - (a) describe the regulated measuring instrument to which it relates in a manner sufficient to identify that instrument;
 - (b) specify which of the circumstances in paragraph (1) applies in relation to the regulated measuring instrument;
 - (c) require the economic operator on whom the notice is served to take steps to remedy the matters referred to in paragraph (b);
 - (d) specify the date, being not less than 21 days from the date of the notice, by which the steps specified in it must be taken; and
 - (e) warn the economic operator that, where the non-conformity continues beyond the date specified in sub-paragraph (d), the competent authority may take further action under regulation 69 (enforcement notices) in respect of that regulated measuring instrument.
- (3) Where a compliance notice is served by a competent authority other than the Secretary of State, it must at the same time as it serves that notice, send a copy to the Secretary of State.

Extent Information

- E40** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F169** Word in reg. 68(1)(a) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 42\(a\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F170** Words in reg. 68(1)(a) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 42\(b\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F171** Word in reg. 68(1)(b) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 42\(a\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F172** Word in reg. 68(1)(c) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 42\(c\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F173** Word in reg. 68(1)(d) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 42\(d\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Compliance notice procedure **N.I.**

68.—(1) This regulation applies where a competent authority has reasonable grounds for considering that one or more of the following breaches applies in relation to a regulated measuring instrument that has been placed on the market or put into use—

- (a) the CE marking or the M marking has been affixed in violation of Article 30 of the RAMS regulation or the requirements of these Regulations;
- (b) the CE marking or the M marking has not been affixed;
- (c) the identification number of the notified body, where the notified body is involved in the production control phase has—
 - (i) been affixed otherwise than in accordance with the requirements of these Regulations; or
 - (ii) not been affixed;
- [^{F277}(ca) the UK(NI) indication—
 - (i) has not been affixed, in contravention of regulation 52A; or
 - (ii) has been affixed other than in accordance with regulation 52A;]
 - (d) the EU declaration of conformity has not been drawn up correctly;
 - (e) the technical documentation is either not available or is not complete;
 - (f) the information referred to in regulation 11 or regulation 20 is false or incomplete; or
 - (g) any other failure—
 - (i) by a manufacturer to comply with the requirements of Chapter 1 of Part 2; or
 - (ii) by an importer to comply with the requirements of Chapter 2 of Part 2.
- (2) The competent authority may serve a notice in writing (“a compliance notice”) on the economic operator it considers is the responsible for the breach which must—
 - (a) describe the regulated measuring instrument to which it relates in a manner sufficient to identify that instrument;
 - (b) specify which of the circumstances in paragraph (1) applies in relation to the regulated measuring instrument;
 - (c) require the economic operator on whom the notice is served to take steps to remedy the matters referred to in paragraph (b);
 - (d) specify the date, being not less than 21 days from the date of the notice, by which the steps specified in it must be taken; and
 - (e) warn the economic operator that, where the non-conformity continues beyond the date specified in sub-paragraph (d), the competent authority may take further action under regulation 69 (enforcement notices) in respect of that regulated measuring instrument.
- (3) Where a compliance notice is served by a competent authority other than the Secretary of State, it must at the same time as it serves that notice, send a copy to the Secretary of State.

Extent Information

E102 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F277 Reg. 68(1)(ca) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), reg. 1(2), [Sch. 2 para. 12\(4\)](#)

Enforcement notices **E+W+S**

69.—(1) This regulation applies where a competent authority has reasonable grounds for considering that an economic operator on whom a compliance notice has been served by the competent authority has failed to comply with that notice.

(2) The competent authority may serve a notice (“an enforcement notice”) on the economic operator which must—

- (a) be in writing;
 - (b) describe the regulated measuring instrument to which it relates in a manner sufficient to identify that instrument;
 - (c) specify, with reasons, the respects in which, in the opinion of the competent authority, the compliance notice has not been complied with; and
 - (d) specify the steps that the economic operator must take to comply with the compliance notice; and
 - (e) specify the date, being not less than 21 days from the date of the notice, by which the economic operator to whom the notice is given is required to comply with it.
- (3) An enforcement notice may impose either or both of the following requirements—
- (a) that the regulated measuring instrument is to be withdrawn from the market unless the steps referred to in paragraph (2)(d) are taken; or
 - (b) that the placing on the market or putting into use of the regulated measuring instrument is to be prohibited or restricted unless the steps referred to in paragraph (2)(d) are taken.

(4) Where an enforcement notice is served by a competent authority other than the Secretary of State, it must at the same time as it serves that notice send a copy of the notice to the Secretary of State.

(5) If the Secretary of State is of the opinion that consideration ought to be given as to whether a certificate or notification which is granted by [^{F174}an approved] body should be withdrawn, the Secretary of State must inform [^{F175}that approved] body of that fact.

^{F176}(6)

Extent Information

E41 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F174 Words in [reg. 69\(5\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 43\(a\)\(i\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

F175 Words in [reg. 69\(5\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 43\(a\)\(ii\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

F176 [Reg. 69\(6\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 43\(b\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

Enforcement notices **N.I.**

69.—(1) This regulation applies where a competent authority has reasonable grounds for considering that an economic operator on whom a compliance notice has been served by the competent authority has failed to comply with that notice.

(2) The competent authority may serve a notice (“an enforcement notice”) on the economic operator which must—

- (a) be in writing;
- (b) describe the regulated measuring instrument to which it relates in a manner sufficient to identify that instrument;
- (c) specify, with reasons, the respects in which, in the opinion of the competent authority, the compliance notice has not been complied with; and
- (d) specify the steps that the economic operator must take to comply with the compliance notice; and
- (e) specify the date, being not less than 21 days from the date of the notice, by which the economic operator to whom the notice is given is required to comply with it.

(3) An enforcement notice may impose either or both of the following requirements—

- (a) that the regulated measuring instrument is to be withdrawn from the market [^{F278}in Northern Ireland] unless the steps referred to in paragraph (2)(d) are taken; or
- (b) that the placing on the market or putting into use of the regulated measuring instrument is to be prohibited or restricted unless the steps referred to in paragraph (2)(d) are taken.

(4) Where an enforcement notice is served by a competent authority other than the Secretary of State, it must at the same time as it serves that notice send a copy of the notice to the Secretary of State.

(5) If the Secretary of State is of the opinion that consideration ought to be given as to whether a certificate or notification which is granted by a United Kingdom notified body should be withdrawn, the Secretary of State must inform that notified body of that fact.

^{F279}(6)

Extent Information

E103 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F278 Words in [reg. 69\(3\)\(a\)](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 14 para. 6\(4\)\(a\)](#)

F279 [Reg. 69\(6\)](#) omitted (N.I.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 14 para. 6\(4\)\(b\)](#)

Review of enforcement decisions of a competent authority

70.—(1) Where a notice is served under regulation 68 (compliance notice procedure) or 69 (enforcement notices) is by a competent authority other than the Secretary of State, an economic operator who is aggrieved by the decision to serve the notice may, in accordance with paragraphs (2)

and (3) apply to the Secretary of State to review the decision; and on such application the Secretary of State may—

- (a) hold an inquiry in connection with the decision; and
- (b) appoint an assessor for the purposes of assisting him with his review or any such inquiry.

(2) An application under paragraph (1) must be made by notice in writing to the Secretary of State, and must be sent to the Secretary of State not later than 21 days after the date of the notice of the decision in respect of which the application for review is sent to the economic operator.

(3) A notice of application for review under this regulation must state the grounds on which the application is made.

(4) The Secretary of State must, within a reasonable time, inform the economic operator and the authority referred to in paragraph (1) in writing of the Secretary of State's decision whether to uphold the decision of that authority and—

- (a) in a case where the Secretary of State upholds that decision, must also state the grounds for the Secretary of State's decision; and
- (b) in a case where the Secretary of State does not uphold that decision, may—
 - (i) where the review relates to regulation 68 give instructions for the withdrawal of the notice given under paragraph (2) of that regulation; or
 - (ii) where the review relates to regulation 69, give instructions for the withdrawal of the notice given under paragraph (1) of that regulation.

Offence of failure to comply with an enforcement notice

71.—(1) This paragraph applies where an enforcement notice has, pursuant regulation 69 (enforcement notices), been served on an economic operator by a competent authority other than the Secretary of State and either—

- (a) the time for making an application by the economic operator for a review pursuant to regulation 70 (review of enforcement decisions of a competent authority) has expired without such application having been made; or
- (b) an application for review has been made by the economic operator and determined without an instruction for the withdrawal of the notice being given and a period of 21 days has elapsed beginning with the day after notice of the outcome of the review has been served on the economic operator.

(2) Where paragraph (1) applies, if the economic operator on whom the ^{F177}enforcement notice] has been served fails to comply with the requirements of that notice, that economic operator is guilty of an offence.

(3) An economic operator that fails to comply with an enforcement notice served on the economic operator by the Secretary of State is guilty of an offence.

Textual Amendments

F177 Words in reg. 71(2) substituted (1.2.2019) by The Weights and Measures etc. (Miscellaneous) (Amendment) Regulations 2019 (S.I. 2019/5), regs. 1, 8(3)

Disqualification **E+W+S**

72.—(1) This regulation and regulation 73 (re-qualification) apply only in relation to a regulated measuring instruments of the following kinds—

- (a) cold water meters;
 - (b) automatic weighing instruments;
 - (c) material measures; and
 - (d) non-water liquid measuring systems.
- (2) Where the circumstances in paragraph (3) apply, an inspector may affix a disqualification mark to a regulated measuring instrument which bears the—
- (a) [F178UK] marking;
 - (b) M marking; and
 - (c) identification number of the [F179approved] body which carried out the conformity assessment procedure in respect of the instrument.
- (3) The circumstances referred to in paragraph (2) are that the instrument is used for trade in circumstances where—
- (a) the instrument does not conform to the essential requirements (other than the requirements relating to maximum permissible errors);
 - (b) the instrument is not in conformity with any ^{F180}... type examination certificate or ^{F180}... design examination certificate which applies to it;
 - (c) by reason of any adjustment, alteration, addition, repair or replacement, it is likely that the instrument has ceased to conform with the essential requirements (other than the requirements relating to maximum permissible errors); or
 - (d) any requirements applicable to the instrument by virtue of Part 6 are not met.
- (4) Where one or more of the markings and identification requirements referred to in paragraph (2) is not affixed to a regulated measuring instrument, the inspector may affix a disqualification mark to the instrument.
- (5) Where it appears to the inspector that the nature or degree of non-compliance of the regulated measuring instrument under paragraph (2) is not such that a disqualification mark should be immediately affixed to it or to any sealing device on it, the inspector may give to any person in possession of the instrument a notice requiring the person to ensure that the instrument is made to comply with the essential requirements before the expiry of 21 days from the date of the notice or such longer period as may be specified in the notice.
- (6) If a notice given under paragraph (5) is not complied with, the inspector must affix a disqualification mark to the regulated measuring instrument or to any sealing device on it.
- (7) Any disqualification mark which is affixed to a regulated measuring instrument under this regulation must be affixed in such a position that it is clearly visible when the instrument is in its regular operating position or where it is affixed to any sealing device on the instrument, it must be affixed in such a position that it obliterates as far as possible any inscription on that sealing device.
- [F181(7A) A disqualification mark may be affixed to a relevant regulated measuring instrument by affixing to the instrument a label which clearly, legibly and indelibly bears the disqualification mark.]
- (8) A person is guilty of an offence if that person uses for trade a regulated measuring instrument to which there is affixed a disqualification mark, unless a re-qualification mark has been affixed to it in accordance with regulation 73 (requalification).

Extent Information

- E42** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F178** Word in reg. 72(2)(a) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 44(a)(i)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F179** Word in reg. 72(2)(c) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 44(a)(ii)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F180** Word in reg. 72(3)(b) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 44(b)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F181** Reg. 72(7A) inserted (9.12.2021) by The Product Safety and Metrology etc. (Amendment) Regulations 2021 (S.I. 2021/1273), regs. 1, **6(3)**

Disqualification **N.I.**

72.—(1) This regulation and regulation 73 (re-qualification) apply only in relation to a regulated measuring instruments of the following kinds—

- (a) cold water meters;
- (b) automatic weighing instruments;
- (c) material measures; and
- (d) non-water liquid measuring systems.

(2) Where the circumstances in paragraph (3) apply, an inspector may affix a disqualification mark to a regulated measuring instrument which bears the—

- (a) CE marking;
- (b) M marking; and
- (c) identification number of the notified body which carried out the conformity assessment procedure in respect of the instrument.

(3) The circumstances referred to in paragraph (2) are that the instrument is used for trade in circumstances where—

- (a) the instrument does not conform to the essential requirements (other than the requirements relating to maximum permissible errors);
- (b) the instrument is not in conformity with any EU-type examination certificate or EU-design examination certificate which applies to it;
- (c) by reason of any adjustment, alteration, addition, repair or replacement, it is likely that the instrument has ceased to conform with the essential requirements (other than the requirements relating to maximum permissible errors); or
- (d) any requirements applicable to the instrument by virtue of Part 6 are not met.

(4) Where one or more of the markings and identification requirements referred to in paragraph (2) is not affixed to a regulated measuring instrument, the inspector may affix a disqualification mark to the instrument.

(5) Where it appears to the inspector that the nature or degree of non-compliance of the regulated measuring instrument under paragraph (2) is not such that a disqualification mark should be immediately affixed to it or to any sealing device on it, the inspector may give to any person in possession of the instrument a notice requiring the person to ensure that the instrument is made to comply with the essential requirements before the expiry of 21 days from the date of the notice or such longer period as may be specified in the notice.

(6) If a notice given under paragraph (5) is not complied with, the inspector must affix a disqualification mark to the regulated measuring instrument or to any sealing device on it.

(7) Any disqualification mark which is affixed to a regulated measuring instrument under this regulation must be affixed in such a position that it is clearly visible when the instrument is in its regular operating position or where it is affixed to any sealing device on the instrument, it must be affixed in such a position that it obliterates as far as possible any inscription on that sealing device.

[^{F181}(7A) A disqualification mark may be affixed to a relevant regulated measuring instrument by affixing to the instrument a label which clearly, legibly and indelibly bears the disqualification mark.]

(8) A person is guilty of an offence if that person uses for trade a regulated measuring instrument to which there is affixed a disqualification mark, unless a re-qualification mark has been affixed to it in accordance with regulation 73 (requalification).

Extent Information

E104 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F181 Reg. 72(7A) inserted (9.12.2021) by [The Product Safety and Metrology etc. \(Amendment\) Regulations 2021 \(S.I. 2021/1273\)](#), regs. 1, **6(3)**

Re-qualification

73.—(1) This regulation applies where—

- (a) a disqualification mark has been affixed to a regulated measuring instrument in accordance with regulation 72 (disqualification);
- (b) a notice has been served under regulation 72(5); or
- (c) a regulated measuring instrument is intended to be used for trade in the circumstances referred to in [^{F182}regulation 72(3) or 73(4)] but a disqualification mark has not been affixed to the instrument or to any sealing device on it.

(2) A person requiring a re-qualification mark to be affixed to a regulated measuring instrument must submit it, in such manner as may be directed, to an inspector or approved verifier and provide such assistance as the inspector or approved verifier may reasonably require.

(3) An inspector or approved verifier may affix a re-qualification mark to that regulated measuring instrument or to any sealing device if satisfied that the instrument is compliant with

- (a) the essential requirements;
- (b) any [^{F183}EU-]type examination certificate or [^{F183}EU-]design examination certificate which applies to it; and
- (c) any requirements applicable to that instrument by virtue of Schedule 6 other than the provisions relating to maximum permissible errors are met.

(4) For the purposes of being satisfied that a re-qualification mark may be affixed to a regulated measuring instrument or any sealing device on it under this regulation, an inspector or approved verifier may take such steps as the inspector or approved verifier considers appropriate, including testing the instrument by means of such test equipment as the inspector or approved verifier considers appropriate and suitable for the purpose.

(5) There may be charged in respect of any steps taken under paragraph (4) such fees as are reasonable in the circumstances.

(6) The inspector or approved verifier must keep a record of any test carried out under paragraph (4).

(7) Where a re-qualification mark is affixed to a regulated measuring instrument pursuant to paragraph (3), it must be affixed in such a position that it obliterates as far as possible any disqualification mark.

[^{F184}(8) Where a re-qualification mark is affixed to a regulated measuring instrument pursuant to paragraph (3), it must be accompanied by—

- (a) the letters indicating the status of the requalification authority, as follows—
 - (i) “INS” if the requalification authority is an inspector;
 - (ii) “AV” if the requalification authority is an approved verifier;
- (b) the number used to identify the inspector or approved verifier in connection with their approval by or under section 11 of the Weights and Measures Act 1985 (certain equipment to be passed and stamped by inspector);
- (c) the year of re-qualification in numerical form; and
- (d) the letters “GB” or, where the instrument was placed on the market pursuant to regulation 33D (Qualifying Northern Ireland Goods), the letters “QNIG”.

(9) The re-qualification mark and the information accompanying it required by paragraph (8) may be affixed to a relevant regulated measuring instrument by affixing to the instrument a label which clearly, legibly and indelibly bears the re-qualification mark and that accompanying information.]

[^{F185}(8) Where a re-qualification mark is affixed to a regulated measuring instrument pursuant to paragraph (3), it must be accompanied by—

- (a) the letters indicating the status of the requalification authority, as follows—
 - (i) “INS” if the requalification authority is an inspector;
 - (ii) “AV” if the requalification authority is an approved verifier;
- (b) the number used to identify the inspector or approved verifier in connection with their approval by or under article 9 of the Weights and Measures (Northern Ireland) Order 1981 (weighing or measuring equipment for use for trade);
- (c) the year of re-qualification in numerical form; and
- (d) the letters “NI”.

(9) The re-qualification mark and the information accompanying it required by paragraph (8), may be affixed to a relevant regulated measuring instrument by affixing to the instrument a label which clearly, legibly and indelibly bears the re-qualification mark and that accompanying information.]

Textual Amendments

- F182** Words in [reg. 73\(1\)\(c\)](#) substituted (1.2.2019) by [The Weights and Measures etc. \(Miscellaneous\) \(Amendment\) Regulations 2019 \(S.I. 2019/5\)](#), regs. 1, **8(4)**
- F183** Word in [reg. 73\(3\)\(b\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 27 para. 45** (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F184** [Reg. 73\(8\)\(9\)](#) inserted (E.W.S.) (9.12.2021) by [The Product Safety and Metrology etc. \(Amendment\) Regulations 2021 \(S.I. 2021/1273\)](#), regs. 1, **12(5)**
- F185** [Reg. 73\(8\)\(9\)](#) inserted (N.I.) (9.12.2021) by [The Product Safety and Metrology etc. \(Amendment\) Regulations 2021 \(S.I. 2021/1273\)](#), regs. 1, **15**

Testing of regulated measuring instruments

74.—(1) Where an inspector considers that a test of a regulated measuring instrument is necessary, otherwise than for the purposes of regulation 73, the inspector may require the controller of the instrument to provide to the inspector such equipment, test liquid, materials, qualified personnel or other assistance as the inspector may reasonably require.

(2) Every regulated measuring instrument submitted for testing by its controller must be in a clean condition.

(3) Paragraphs (4) to (9) of this regulation only apply to regulated measuring instruments that are non-water liquid measuring systems.

(4) No regulated measuring instrument shall be tested until it is installed ready for use and complete with all its parts.

(5) A regulated measuring instrument must be tested by an inspector under practical working conditions with a test liquid which must be—

- (a) the liquid fuel that the instrument is intended to deliver; or
- (b) a liquid having properties which replicate in all respects relevant to testing those of the liquid fuel that the instrument is intended to deliver.

(6) An inspector may open a locked or sealed tank or container for the purpose of testing a regulated measuring instrument or returning any liquid withdrawn during testing.

(7) Any liquid withdrawn during testing must be—

- (a) returned to the tank or container from which it was withdrawn if the inspector is of the opinion that it is reasonable and practicable to do so and the controller agrees; or
- (b) placed in another suitable receptacle reasonably convenient for the purpose that is provided by the controller.

(8) An inspector, if requested to do so by the controller, must give to the controller a signed and dated statement of the quantity of liquid withdrawn during testing.

(9) An inspector must—

- (a) securely re-fasten any tank or container opened under paragraph (6) immediately after the conclusion of any test or after returning any liquid withdrawn during testing; and
- (b) replace any sealing device broken by the inspector.

(10) In this regulation references to the “controller” of a regulated measuring instrument are to the person who has control of the instrument or whom the inspector has reasonable cause to believe has control of the instrument.

PART 8

OFFENCES

Unauthorised application of authorised marks **E+W+S**

75.—(1) Subject to paragraph (2), a person is guilty of an offence, if that person—

- (a) affixes an authorised mark to a regulated measuring instrument otherwise than in accordance with these Regulations;
- (b) alters or defaces an authorised mark affixed to a regulated measuring instrument;
- (c) removes an authorised mark affixed to a regulated measuring instrument; or

- (d) affixes any other form of marking to a regulated measuring instrument which is likely to deceive any person as to the meaning or form, or both, of an authorised mark.
- (2) Where the alteration, defacement or removal of an authorised mark is occasioned solely—
 - (a) in the course of the adjustment or repair of a regulated measuring instrument by a person engaged in the business of repair of such instruments or by that person's duly authorised agent; or
 - (b) by an enforcement officer or approved verifier in the carrying out of any of their functions under these Regulations,
 that person (or that person's authorised agent), enforcement officer or approved verifier is not guilty of an offence under paragraph (1)(b) or (1)(c).
- (3) A person is guilty of an offence if that person places on the market or puts into use or uses for trade a regulated measuring instrument—
 - (a) from which, to that person's knowledge, an authorised mark has been removed; or
 - (b) which to that person's knowledge bears—
 - (i) an authorised mark affixed otherwise than in accordance with these Regulations;
 - (ii) an authorised mark that has been altered or defaced otherwise than in the circumstances referred to in paragraph (2); or
 - (iii) any mark which is likely to deceive any person as to the meaning or form, or both, of an authorised mark.
- (4) A regulated measuring instrument in respect of which an offence under this regulation has been committed and any implement used in the commissioning of the offence is liable to be forfeited.
- (5) In this regulation “authorised mark” means—
 - (a) the [^{F186}UK] marking;
 - (b) the M marking;
 - (c) the identification number of the [^{F187}approved] body which carried out the conformity assessment procedure in respect of the relevant regulated measuring instrument;
 - (d) a disqualification mark; or
 - (e) a re-qualification mark.

Extent Information

E43 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F186** Word in reg. 75(5)(a) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 27 para. 46(a)** (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F187** Word in reg. 75(5)(c) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 27 para. 46(b)** (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

Unauthorised application of authorised marks **N.I.**

75.—(1) Subject to paragraph (2), a person is guilty of an offence, if that person—

- (a) affixes an authorised mark to a regulated measuring instrument otherwise than in accordance with these Regulations;
 - (b) alters or defaces an authorised mark affixed to a regulated measuring instrument;
 - (c) removes an authorised mark affixed to a regulated measuring instrument; or
 - (d) affixes any other form of marking to a regulated measuring instrument which is likely to deceive any person as to the meaning or form, or both, of an authorised mark.
- (2) Where the alteration, defacement or removal of an authorised mark is occasioned solely—
- (a) in the course of the adjustment or repair of a regulated measuring instrument by a person engaged in the business of repair of such instruments or by that person's duly authorised agent; or
 - (b) by an enforcement officer or approved verifier in the carrying out of any of their functions under these Regulations,
- that person (or that person's authorised agent), enforcement officer or approved verifier is not guilty of an offence under paragraph (1)(b) or (1)(c).
- (3) A person is guilty of an offence if that person places on the market or puts into use or uses for trade a regulated measuring instrument—
- (a) from which, to that person's knowledge, an authorised mark has been removed; or
 - (b) which to that person's knowledge bears—
 - (i) an authorised mark affixed otherwise than in accordance with these Regulations;
 - (ii) an authorised mark that has been altered or defaced otherwise than in the circumstances referred to in paragraph (2); or
 - (iii) any mark which is likely to deceive any person as to the meaning or form, or both, of an authorised mark.
- (4) A regulated measuring instrument in respect of which an offence under this regulation has been committed and any implement used in the commissioning of the offence is liable to be forfeited.
- (5) In this regulation “authorised mark” means—
- (a) the CE marking;
 - (b) the M marking;
 - (c) the identification number of the notified body which carried out the conformity assessment procedure in respect of the relevant regulated measuring instrument;
- [^{F280}(ca) the UK(NI) indication;]
- (d) a disqualification mark; or
 - (e) a re-qualification mark.

Extent Information

E105 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F280 Reg. 75(5)(ca) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), reg. 1(2), [Sch. 2 para. 12\(5\)](#)

Offences by economic operators etc.

76.—(1) In this regulation “event of default” means—

- (a) the placing on the market or putting into use of a regulated measuring instrument which—
 - (i) does not meet the essential requirements applicable to it;
 - (ii) has not been the subject of an applicable conformity assessment procedure;
 - (iii) does not bear the markings or inscriptions required by these Regulations; or
 - (iv) is not accompanied by the documents and information required by these Regulations;
 or
- (b) any failure to—
 - (i) create or maintain any records required to be created or maintained under these Regulations; or
 - (ii) provide to a competent authority documents or information pursuant to a requirement imposed by or under these Regulations; or
- (c) any failure to comply with an obligation under regulation 74(1) or 74(2)

(2) Where an event of default mentioned in paragraph (1)(a) or 1(b) occurs as a result of the failure of an economic operator to comply with an obligation imposed on the economic operator by any provision of these Regulations, the economic operator is guilty of an offence.

(3) Where there is an event of default of a kind referred to in paragraph (1)(c), the person on whom the obligation is imposed under section 74(1) or 74(2) is guilty of an offence.

Penalties for offences

77. A person guilty of an offence under any provision of these Regulations is liable, on summary conviction—

- (a) in England and Wales to a fine; and
- (b) in Scotland or Northern Ireland to a fine not exceeding level 5 on the standard scale.

Defence of due diligence

78.—(1) In proceedings against a person for an offence under these Regulations (other than regulation 75(3)), it is a defence for that person to show that that person took all reasonable steps and exercised all due diligence to avoid committing the offence.

(2) Where, in proceedings against a person for such an offence the defence provided by paragraph (1) involves an allegation that the commission of the offence was due to—

- (a) the act or default of another; or
- (b) reliance on information given by another,

that person shall not, without the leave of the court, be entitled to rely on the defence, unless, not less than seven clear days before the hearing of the proceedings (or, in Scotland, the trial diet), that person has served a notice under paragraph (3) on the person bringing the proceedings.

(3) A notice under this paragraph must give such information identifying or assisting in the identification of the person who committed the act or default or gave the information as is in the possession of the person serving the notice at the time that person serves it.

(4) A person shall not be entitled to rely on the defence provided by paragraph (1) by reason of reliance on information supplied by another, unless that person shows it was reasonable in all the circumstances for that person to have relied on the information, having regard in particular to—

- (a) the steps which that person took, and those which might reasonably have been taken, for the purpose of verifying the information; and
- (b) whether that person had any reason to disbelieve the information.

Liability of persons other than the principal offender

79.—(1) Where the commission by a person (“A”) of an offence under these Regulations is due to the act or default of another person (“B”) in the course of any business of A, B is guilty of the offence and may be proceeded against and punished, whether or not proceedings are taken against A.

(2) Where a body corporate commits an offence under these Regulations and it is proved that the offence was committed—

- (a) with the consent or connivance of an officer of the body corporate,
- (b) as a result of the negligence of an officer of the body corporate

the officer as well as the body corporate is guilty of the offence.

(3) In paragraph (2), a reference to an officer of a body corporate includes a reference to—

- (a) a director, manager, secretary or other similar officer of the body corporate;
- (b) a person purporting to act as a director, manager, secretary or other similar officer; and
- (c) if the affairs of the body corporate are managed by its members, a member

(4) In this regulation, references to a “body corporate” include references to a partnership in Scotland, and in relation to such partnership, any reference to a director, manager, secretary or other similar officer of a body corporate is a reference to a partner.

PART 9

MISCELLANEOUS AND SUPPLEMENTAL

Service of documents etc.

80.—(1) Any document required or authorised by these Regulations to be served on a person may be so served—

- (a) by delivering it to that person or by leaving it at that person's proper address or by sending it by post to that person at that address;
- (b) if the person is a body corporate, by serving it in accordance with sub-paragraph (a) on the secretary or clerk of that body; or
- (c) if the person is a partnership, by serving it in accordance with that sub-paragraph on a partner or on a person having control or management of the partnership business.

(2) For the purposes of paragraph (1), and for the purposes of section 7 of the Interpretation Act 1978 ^{M10} (which relates to the service of documents by post) in its application to that paragraph, the proper address of any person on whom a document is to be served in accordance with these Regulations is that person's last known address except that—

- (a) in the case of service on a body corporate or its secretary or clerk, it is the address of the registered or principal office of the body corporate; and
- (b) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it is the principal office of the partnership,

and for the purposes of this paragraph the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.

Marginal Citations

M10 1978 c.30.

Review

81.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) [^{F188}In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directive is implemented in other [^{F189}relevant] states.]

(3) The report must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved by a system that imposes less regulation.

(4) The first report under this regulation must be published no later than 5 years after the date of the coming into force of these Regulations.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding 5 years.

Textual Amendments

F188 Reg. 81(2) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 27 para. 47** (with Sch. 27 para. 50(a)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

F189 Word in reg. 81(2) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1112), reg. 1(b), **Sch. 14 para. 7**

Department for Business, Energy and Industrial
Strategy

Margot James
Parliamentary Under Secretary of State Minister
for Small Business, Consumers and Corporate
Responsibility

[^{F190}SCHEDULE A1

Regulation 2(1)

Disqualification and re-qualification marks

Textual Amendments

F190 Sch. A1 inserted (9.12.2021) by The Product Safety and Metrology etc. (Amendment) Regulations 2021 (S.I. 2021/1273), regs. 1, 6(4)

Disqualification mark

1. A disqualification mark must have the following form—



Re-qualification mark

2. A re-qualification mark must have the following form—]



SCHEDULE 1

Regulations 2(1) and 39(1)

^[F191]ESSENTIAL REQUIREMENTS AND APPLICABLE
CONFORMITY ASSESSMENT PROCEDURES

Textual Amendments

F191 Sch. 1 omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 27 para. 48** (with Sch. 27 para. 50(a)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Introductory

1. The essential requirements and conformity assessment procedure applicable to measuring instruments are as set out in this Schedule.

Water Meters

2.—(1) The essential requirements relating to water meters intended for the measurement of volumes of clean, cold or heated water in residential, commercial and light industrial use are—

- (a) the requirements set out in Annex I to the Directive; and
- (b) the specific requirements of Annex III to the Directive subject to the modification specified in sub-paragraph (2).

(2) The modification referred to in sub-paragraph (1)(b) is that point 10 of the specific requirements in Annex III is to be read as follows—

“Putting into use

10. The requirements under points 1, 2 and 3 are determined by the utility or the person legally designated for installing the meter, so that the meter is appropriate for the accurate measurement of consumption that is foreseen or foreseeable.”

(3) The conformity assessment procedures specified in the modules in Annex II to the Directive applicable to water meters of the kind referred to in sub-paragraph (1) are—

- (a) B and F;
- (b) B and D; or
- (c) H1.

Gas meters

3.—(1) The essential requirements relating to gas meters intended for residential, commercial and light industrial use are—

- (a) the requirements of Annex I to the Directive; and
- (b) the specific requirements set out in Part I of Annex IV to the Directive subject to the modification in sub-paragraph (2).

(2) The modification referred to in sub-paragraph (1)(b) is that point 10 of the specific requirements in Annex IV is to be read as follows—

“Putting into use

- (a) The measurement of residential use must be performed by means of any Class 1.5 gas meter, or by Class 1.0 gas meters which have a Q_{\max}/Q_{\min} ratio equal to or greater than 150.
- (b) Measurement of commercial or light industrial use must be performed by any Class 1.0 or Class 1.5 gas meter.
- (c) The person responsible for installing a gas meter must have regard to the requirements under Points 1.2 and 1.3 of Part I of Annex IV and must ensure that the gas meter is appropriate for the accurate measurement of consumption that is foreseen or foreseeable.”

(3) The conformity assessment procedures specified in the modules in Annex II to the Directive applicable to gas meters are—

- (a) B and F;
- (b) B and D; or
- (c) H1.

Volume conversion devices

4.—(1) In this paragraph “conversion device” means a device fitted to a gas meter that automatically converts the quantity measured at metering conditions into a quantity at the specified conditions to which the quantity of fluid is converted.

(2) The essential requirements relating to conversion devices intended for residential, commercial and light industrial use are—

- (a) the requirements of Annex I to the Directive;
- (b) the specific requirements set out in Part II of Annex IV.

(3) The conformity assessment procedures specified in the modules in Annex II to the Directive applicable to conversion devices are—

- (a) B and F;
- (b) B and D; or
- (c) H1.

Active electrical energy meters

5.—(1) The essential requirements in relation to active electrical energy meters intended for residential, commercial and light industrial use are—

- (a) the requirements of Annex I of the Directive; and
- (b) the specific requirements in Annex V subject to the modification in sub-paragraph (2).

(2) The modification referred to in sub-paragraph (1)(b) is that point 7 of the specific requirements in Annex V is to be read as follows—

“Putting into use

- (a) Subject to sub-paragraph (2), measurement may be performed by means of any active electrical energy meter provided that the temperature range to which an active electrical energy meter is exposed is not wider than the range specified by the manufacturer in relation to that active electrical energy meter in accordance with Point 1.3.1 and Table 1 in Annex 1 to the Directive.

- (b) Class A active electrical energy meters may not be used when operating outside the temperature range of an upper temperature limit of 30°C to a lower temperature limit of 5 °C.
 - (c) The person responsible for installing the active electrical energy meter must determine the correct current range and assess the climatic environment.”
- (3) The conformity assessment procedures specified in the modules in Annex II to the Directive applicable to active electrical meters are—
- (a) B and F;
 - (b) B and D; or
 - (c) H1.

Thermal Energy Meters

- 6.—(1) The essential requirements in relation to thermal energy meters are—
- (a) the requirements of Annex I of the Directive; and
 - (b) the requirements of Annex VI.
- (2) The conformity assessment procedures specified in the modules in Annex II to the Directive applicable to thermal energy meters are—
- (a) B and F;
 - (b) B and D; or
 - (c) H1.

Non-water liquid measuring systems

- 7.—(1) The essential requirements in relation to non-water liquid measuring systems are—
- (a) the requirements of Annex I of the Directive; and
 - (b) the requirements of Annex VII.
- (2) The conformity assessment procedures specified in the modules in Annex II to the Directive applicable to non-water liquid measuring systems are—
- (a) B and F;
 - (b) B and D;
 - (c) H1; or
 - (d) G.

Automatic weighing instruments

- 8.—(1) The essential requirements in relation to automatic weighing instruments are—
- (a) in relation to automatic catchweighers—
 - (i) the requirements of Annex I of the Directive; and
 - (ii) the specific requirements in Chapter I and II of Annex VIII;
 - (b) in relation to automatic gravimetric filling instruments—
 - (i) the requirements of Annex I of the Directive; and
 - (ii) the specific requirements in Chapter I and Chapter III of Annex VIII;
 - (c) in relation to discontinuous totalisers—
 - (i) the requirements of Annex I of the Directive; and

- (ii) the specific requirements in Chapter I and Chapter IV of Annex VIII;
- (d) The essential requirements in relation to beltweighers are—
 - (i) the requirements of Annex I of the Directive; and
 - (ii) the specific requirements in Chapters I and V of Annex VIII; and
- (e) The essential requirements in relation to automatic rail weighbridges are—
 - (i) the requirements of Annex I of the Directive; and
 - (ii) the specific requirements in Chapters I and VI in Annex VIII.
- (2) The conformity assessment procedures specified in the modules in Annex II to the Directive applicable to automatic weighing instruments are—
 - (a) for mechanical systems—
 - (i) B and D;
 - (ii) B and E;
 - (iii) B and F;
 - (iv) D1;
 - (v) F1;
 - (vi) G; or
 - (vii) H1;
 - (b) for electromechanical instruments—
 - (i) B and D;
 - (ii) B and E;
 - (iii) B and F;
 - (iv) G; or
 - (v) H1; and
 - (c) for electronic systems or systems containing software—
 - (i) B and D;
 - (ii) B and F;
 - (iii) G; or
 - (iv) H1.

Taximeters

- 9.—**(1) The essential requirements in relation to taximeters are—
- (a) the requirements of Annex 1 of the Directive; and
 - (b) the specific requirements in Annex IX.
- (2) The conformity assessment procedures specified in the modules in Annex II to the Directive applicable to taximeters are—
- (a) B and F;
 - (b) B and D; or
 - (c) H1.

Material measures of length

10.—(1) The essential requirements in relation to material measures of length are—

- (a) the requirements of Annex I of the Directive; and
- (b) the specific requirements in Chapter I of Annex X.

(2) The conformity assessment procedures specified in the modules in Annex II to the Directive applicable to material measures of length are—

- (a) F1;
- (b) D1;
- (c) B and D;
- (d) G; or
- (e) H.

Capacity serving measures

11.—(1) The essential requirements in relation to capacity serving measures are—

- (a) the requirements of Annex I of the Directive; and
- (b) the specific requirements in Chapter II of Annex X.

(2) The conformity assessment procedures specified in the modules in Annex II to the Directive applicable to capacity serving measures are—

- (a) A2;
- (b) D1;
- (c) E1;
- (d) F1;
- (e) B and D;
- (f) B and E; or
- (g) H.

Dimensional measuring instruments

12.—(1) The essential requirements in relation to dimensional measuring instruments are—

- (a) the requirements of Annex I of the Directive; and
- (b) the specific requirements in Annex XI.

(2) The conformity assessment procedures specified in the modules in Annex II to the Directive applicable to dimensional measuring instruments are—

- (a) for mechanical or electromechanical instruments—
 - (i) D1;
 - (ii) E1;
 - (iii) F1;
 - (iv) H;
 - (v) H1;
 - (vi) G;
 - (vii) B and D;
 - (viii) B and E;

- (ix) B and F;
- (b) for electronic instruments or instruments containing software—
 - (i) B and D;
 - (ii) B and F;
 - (iii) G; or
 - (iv) H1.

Exhaust gas analysers

- 13.—**(1) The essential requirements in relation to exhaust gas analysers are—
- (a) the requirements of Annex I of the Directive; and
 - (b) the specific requirements in Annex XII.
- (2) The conformity assessment procedures specified in the modules in Annex II to the Directive applicable to exhaust gas analysers are—
- (a) B and D;
 - (b) B and F; or
 - (c) H1.]

[^{F192}SCHEDULE 1A

Regulation 2

ESSENTIAL REQUIREMENTS (Annex I to the Directive)

Textual Amendments

F192 Schs. 1A-1K inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 27 para. 49 (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

A regulated measuring instrument shall provide a high level of metrological protection in order that any party affected can have confidence in the result of measurement, and shall be designed and manufactured to a high level of quality in respect of the measurement technology and security of the measurement data.

The essential requirements that shall be met by regulated measuring instruments are set out below and are supplemented, where appropriate, by instrument-specific requirements in Schedules 1C to 1J that provide more detail on certain aspects of the general requirements.

The solutions adopted in the pursuit of the essential requirements shall take account of the intended use of the instrument and any foreseeable misuse thereof.

DEFINITIONS

Measurand	The measurand is the particular quantity subject to measurement
Influence quantity	An influence quantity is a quantity that is not the measurand but that affects the result of measurement.
Rated Operating Conditions	The rated operating conditions are the values for the measurand and influence quantities making up the normal working conditions of an instrument.
Disturbance	An influence quantity having a value within the limits specified in the appropriate requirement but outside the specified rated operating conditions of the regulated measuring instrument. An influence quantity is a disturbance if for that influence quantity the rated operating conditions are not specified.
Critical change value	The critical change value is the value at which the change in the measurement result is considered undesirable.
Material Measure	A material measure is a device intended to reproduce or supply in a permanent manner during its use one or more known values of a given quantity.
Direct sales	A trading transaction is direct sales if: — the measurement result serves as the basis for the price to pay; and — at least one of the parties involved in the transaction related to measurement is a consumer or any other party requiring a similar level of protection; and — all the parties in the transaction accept the measurement result at that time and place.
Climatic environments	Climatic environments are the conditions in which regulated measuring instruments may be used. To cope with climatic differences, a range of temperature limits has been defined.
Utility	A utility is regarded as a supplier of electricity, gas or water.

ESSENTIAL REQUIREMENTS

Allowable Errors

1

1.1. Under rated operating conditions and in the absence of a disturbance, the error of measurement shall not exceed the maximum permissible error (MPE) value as laid down in the appropriate instrument-specific requirements.

Unless stated otherwise in the instrument-specific Schedules, MPE is expressed as a bilateral value of the deviation from the true measurement value.

1.2. Under rated operating conditions and in the presence of a disturbance, the performance requirement shall be as laid down in the appropriate instrument-specific requirements.

Where the instrument is intended to be used in a specified permanent continuous electromagnetic field the permitted performance during the radiated electromagnetic field-amplitude modulated test shall be within MPE.

1.3. The manufacturer shall specify the climatic, mechanical and electromagnetic environments in which the instrument is intended to be used, power supply and other influence quantities likely to affect its accuracy, taking account of the requirements laid down in the appropriate instrument-specific Schedules.

1.3.1 Climatic environments

The manufacturer shall specify the upper temperature limit and the lower temperature limit from any of the values in Table 1 unless otherwise specified in Schedules 1C to 1J and indicate whether the instrument is designed for condensing or non-condensing humidity as well as the intended location for the instrument, i.e. open or closed.

Table 1

	<i>Temperature Limits</i>			
Upper temperature limit	30 °C	40 °C	55 °C	70 °C
Lower temperature limit	5 °C	-10 °C	-25 °C	-40 °C

1.3.2 (a) Mechanical environments are classified into classes M1 to M3 as described below.

M1	This class applies to instruments used in locations with vibration and shocks of low significance, e.g. for instruments fastened to light supporting structures subject to negligible vibrations and shocks transmitted from local blasting or pile-driving activities, slamming doors, etc.
M2	This class applies to instruments used in locations with significant or high levels of vibration and shock, e.g. transmitted from machines and passing vehicles in the vicinity or adjacent to heavy machines, conveyor belts, etc.
M3	This class applies to instruments used in locations where the level of vibration and shock is high and very high, e.g. for instruments mounted directly on machines, conveyor belts, etc.

(b) (b) The following influence quantities shall be considered in relation with mechanical environments:

- vibration
- mechanical shock

1.3.3. (a) Electromagnetic environments are classified into classes E1, E2 or E3 as described below, unless otherwise laid down in the appropriate instrument-specific Schedules.

E1	This class applies to instruments used in locations with electromagnetic disturbances corresponding to those likely to be found in residential, commercial and light industrial buildings.
E2	This class applies to instruments used in locations with electromagnetic disturbances corresponding to those likely to be found in other industrial buildings.
E3	This class applies to instruments supplied by the battery of a vehicle. Such instruments shall comply with the requirements of E2 and the following additional requirements: <ul style="list-style-type: none"> — voltage reductions caused by energising the starter-motor circuits of internal combustion engines, — load dump transients occurring in the event of a discharged battery being disconnected while the engine is running.

(b) (b) The following influence quantities shall be considered in relation with electromagnetic environments:

- voltage interruptions;
- short voltage reductions;

- voltage transients on supply lines and/or signal lines;
- electrostatic discharges;
- radio frequency electromagnetic fields;
- conducted radio frequency electromagnetic fields on supply lines and/or signal lines;
- surges on supply lines and/or signal lines.

1.3.4. Other influence quantities to be considered, where appropriate, are:

- voltage variation;
- mains frequency variation;
- power frequency magnetic fields;
- any other quantity likely to influence in a significant way the accuracy of the instrument.

1.4. When carrying out the tests as envisaged in these Regulations, the following points shall apply:

1.4.1 Basic rules for testing and the determination of errors

Essential requirements specified in paragraphs 1.1 and 1.2 shall be verified for each relevant influence quantity. Unless otherwise specified in the appropriate instrument-specific Schedule, these essential requirements apply when each influence quantity is applied and its effect evaluated separately, all other influence quantities being kept relatively constant at their reference value.

Metrological tests shall be carried out during or after the application of the influence quantity, whichever condition corresponds to the normal operational status of the instrument when that influence quantity is likely to occur.

1.4.2 Ambient humidity

- (a) According to the climatic operating environment in which the instrument is intended to be used either the damp heat-steady state (non-condensing) or damp heat cyclic (condensing) test may be appropriate.
- (b) The damp heat cyclic test is appropriate where condensation is important or when penetration of vapour will be accelerated by the effect of breathing. In conditions where non-condensing humidity is a factor the damp-heat steady state is appropriate.

Reproducibility

2. The application of the same measurand in a different location or by a different user, all other conditions being the same, shall result in the close agreement of successive measurements. The difference between the measurement results shall be small when compared with the MPE.

Repeatability

3. The application of the same measurand under the same conditions of measurement shall result in the close agreement of successive measurements. The difference between the measurement results shall be small when compared with the MPE.

Discrimination and Sensitivity

4. A regulated measuring instrument shall be sufficiently sensitive and the discrimination threshold shall be sufficiently low for the intended measurement task.

Durability

5. A regulated measuring instrument shall be designed to maintain an adequate stability of its metrological characteristics over a period of time estimated by the manufacturer, provided that it is properly installed, maintained and used according to the manufacturer's instruction when in the environmental conditions for which it is intended.

Reliability

6. A regulated measuring instrument shall be designed to reduce as far as possible the effect of a defect that would lead to an inaccurate measurement result, unless the presence of such a defect is obvious.

Suitability

7

7.1. A regulated measuring instrument shall have no feature likely to facilitate fraudulent use, whereas possibilities for unintentional misuse shall be minimal.

7.2. A regulated measuring instrument shall be suitable for its intended use taking account of the practical working conditions and shall not require unreasonable demands of the user in order to obtain a correct measurement result.

7.3. The errors of a utility measuring instrument at flows or currents outside the controlled range shall not be unduly biased.

7.4. Where a regulated measuring instrument is designed for the measurement of values of the measurand that are constant over time, the regulated measuring instrument shall be insensitive to small fluctuations of the value of the measurand, or shall take appropriate action.

7.5. A regulated measuring instrument shall be robust and its materials of construction shall be suitable for the conditions in which it is intended to be used.

7.6. A regulated measuring instrument shall be designed so as to allow the control of the measuring tasks after the instrument has been placed on the market and put into use. If necessary, special equipment or software for this control shall be part of the instrument. The test procedure shall be described in the operation manual.

When a regulated measuring instrument has associated software which provides other functions besides the measuring function, the software that is critical for the metrological characteristics shall be identifiable and shall not be inadmissibly influenced by the associated software.

Protection against corruption

8

8.1. The metrological characteristics of a regulated measuring instrument shall not be influenced in any inadmissible way by the connection to it of another device, by any feature of the connected device itself or by any remote device that communicates with the regulated measuring instrument.

8.2. A hardware component that is critical for metrological characteristics shall be designed so that it can be secured. Security measures foreseen shall provide for evidence of an intervention.

8.3. Software that is critical for metrological characteristics shall be identified as such and shall be secured.

Software identification shall be easily provided by the regulated measuring instrument.

Evidence of an intervention shall be available for a reasonable period of time.

8.4. Measurement data, software that is critical for measurement characteristics and metrologically important parameters stored or transmitted shall be adequately protected against accidental or intentional corruption.

8.5. For utility measuring instruments the display of the total quantity supplied or the displays from which the total quantity supplied can be derived, whole or partial reference to which is the basis for payment, shall not be able to be reset during use.

Information to be borne by and to accompany the instrument

9

9.1. A regulated measuring instrument shall bear the following inscriptions:

- (a) manufacturer's name, registered trade name or registered trade mark;
- (b) information in respect of its accuracy; and, where applicable:
- (c) information in respect of the conditions of use;
- (d) measuring capacity;
- (e) measuring range;
- (f) identity marking;
- (g) number of the type examination certificate or the design examination certificate;
- (h) information whether or not additional devices providing metrological results comply with the provisions of these Regulations on legal metrological control.

9.2. An instrument of dimensions too small or of too sensitive a composition to allow it to bear the relevant information shall have its packaging, if any, and the accompanying documents required by the provisions of these Regulations suitably marked.

9.3. The instrument shall be accompanied by information on its operation, unless the simplicity of the regulated measuring instrument makes this unnecessary. Information shall be easily understandable and shall include where relevant:

- (a) rated operating conditions;
- (b) mechanical and electromagnetic environment classes;
- (c) the upper and lower temperature limit, whether condensation is possible or not, open or closed location;
- (d) instructions for installation, maintenance, repairs, permissible adjustments;
- (e) instructions for correct operation and any special conditions of use;
- (f) conditions for compatibility with interfaces or regulated measuring instruments.

9.4. Groups of identical regulated measuring instruments used in the same location or used for utility measurements do not necessarily require individual instruction manuals.

9.5. Unless specified otherwise in an instrument-specific Schedule, the scale interval for a measured value shall be in the form 1×10^n , 2×10^n , or 5×10^n , where n is any integer or zero. The unit of measurement or its symbol shall be shown close to the numerical value.

9.6. A material measure shall be marked with a nominal value or a scale, accompanied by the unit of measurement used.

9.7. The units of measurement used and their symbols shall be in accordance with the relevant enactments on units of measurement and their symbols.

9.8. All marks and inscriptions required under any requirement shall be clear, non-erasable, unambiguous and non-transferable.

Indication of result

10

10.1. Indication of the result shall be by means of a display or hard copy.

10.2. The indication of any result shall be clear and unambiguous and accompanied by such marks and inscriptions necessary to inform the user of the significance of the result. Easy reading of the presented result shall be permitted under normal conditions of use. Additional indications may be shown provided they cannot be confused with the metrologically controlled indications.

10.3. In the case of hard copy the print or record shall also be easily legible and non-erasable.

10.4. A regulated measuring instrument for direct sales trading transactions shall be designed to present the measurement result to both parties in the transaction when installed as intended. When critical in case of direct sales, any ticket provided to the consumer by an ancillary device not complying with the appropriate requirements of these Regulations shall bear appropriate restrictive information.

10.5. Whether or not a regulated measuring instrument intended for utility measurement purposes can be remotely read it shall in any case be fitted with a metrologically controlled display accessible without tools to the consumer. The reading of this display is the measurement result that serves as the basis for the price to pay.

Further processing of data to conclude the trading transaction

11

11.1. A regulated measuring instrument other than a utility measuring instrument shall record by a durable means the measurement result accompanied by information to identify the particular transaction, when:

- (a) the measurement is non-repeatable; and
- (b) the regulated measuring instrument is normally intended for use in the absence of one of the trading parties.

11.2. Additionally, a durable proof of the measurement result and the information to identify the transaction shall be available on request at the time the measurement is concluded.

Conformity evaluation

12. A regulated measuring instrument shall be designed so as to allow ready evaluation of its conformity with the appropriate requirements of these Regulations.

SCHEDULE 1B

Regulations 2, 40(2), 47(1)(b) and 52(8)

CONFORMITY ASSESSMENT PROCEDURES (Annex II to the Directive)

MODULE A2:

INTERNAL PRODUCTION CONTROL PLUS SUPERVISED INSTRUMENT CHECKS AT RANDOM INTERVALS

1. Internal production control plus supervised instrument checks at random intervals is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in

paragraphs 2, 3, 4, and 5, and ensures and declares on his sole responsibility that the regulated measuring instruments concerned satisfy the requirements of these Regulations that apply to them.

Technical documentation

2. The manufacturer shall establish the technical documentation set out in regulations 44 and 45. The documentation shall make it possible to assess the instrument's conformity with the relevant requirements, and shall include an adequate analysis and assessment of the risk(s). The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the instrument.

Manufacturing

3. The manufacturer shall take all measures necessary so that the manufacturing process and its monitoring ensure compliance of the manufactured instruments with the technical documentation referred to in paragraph 2 and with the requirements of these Regulations that apply to them.

Instrument checks

4. At the choice of the manufacturer, either an accredited in-house body or an approved body, chosen by the manufacturer, shall carry out instrument checks or have them carried out at random intervals determined by the body, in order to verify the quality of the internal checks of the instrument, taking into account, inter alia, the technological complexity of the instruments and the quantity of production. An adequate sample of the final regulated measuring instruments, taken on site by the body before the placing on the market, shall be examined and appropriate tests as identified by the relevant parts of the designated standard, and/or normative document, and/or equivalent tests set out in other relevant technical specifications, shall be carried out to verify the conformity of the instruments with the relevant requirements of these Regulations. In the absence of a relevant designated standard or normative document, the accredited in-house body or approved body concerned shall decide on the appropriate tests to be carried out.

In those cases where a relevant number of instruments in the sample do not conform to an acceptable quality level, the accredited in-house body or approved body shall take appropriate measures.

Where the tests are carried out by an approved body, the manufacturer shall, under the responsibility of the approved body, affix the approved body's identification number during the manufacturing process.

Conformity marking and declaration of conformity

5

5.1. The manufacturer shall affix the UK marking and the M marking set out in these Regulations to each individual instrument that satisfies the applicable requirements of these Regulations.

5.2. The manufacturer shall draw up a written declaration of conformity for an instrument model and keep it together with the technical documentation at the disposal of the market surveillance authorities for 10 years after the instrument has been placed on the market. The declaration of conformity shall identify the instrument for which it was drawn up.

A copy of the declaration of conformity shall be made available to the market surveillance authorities upon request.

A copy of the declaration of conformity shall be supplied with each regulated measuring instrument that is placed on the market. However, this requirement may be interpreted as applying to a batch or

consignment rather than individual instruments in those cases where a large number of instruments is delivered to a single user.

Authorised representative

6. The manufacturer's obligations set out in paragraph 5 may be fulfilled by his authorised representative, on his behalf and under his responsibility provided that they are specified in the mandate.

MODULE B

TYPE EXAMINATION

1. 'Type examination' is the part of a conformity assessment procedure in which an approved body examines the technical design of an instrument and verifies and attests that the technical design of the instrument meets the requirements of these Regulations that apply to it.

2. Type examination may be carried out in either of the following manners:

- (a) examination of a specimen, representative of the production envisaged, of the complete regulated measuring instrument (production type),
- (b) assessment of the adequacy of the technical design of the instrument through examination of the technical documentation and supporting evidence referred to in paragraph 3, plus examination of specimens, representative of the production envisaged, of one or more critical parts of the instrument (combination of production type and design type);
- (c) assessment of the adequacy of the technical design of the instrument through examination of the technical documentation and supporting evidence referred to in paragraph 3, without examination of a specimen (design type).

The approved body decides on the appropriate manner and the specimens required.

3. The manufacturer shall lodge an application for type examination with a single approved body of his choice.

The application shall include:

- (a) the name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address as well;
- (b) a written declaration that the same application has not been lodged with any other approved body;
- (c) the technical documentation set out in regulations 44 and 45. The technical documentation shall make it possible to assess the instrument's conformity with the applicable requirements of these Regulations and shall include an adequate analysis and assessment of the risk(s). The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the instrument.

The application shall in addition contain, wherever applicable:

- (d) the specimens, representative of the production envisaged. The approved body may request further specimens if needed for carrying out the test programme;
- (e) the supporting evidence for the adequacy of the technical design solution. This supporting evidence shall mention any documents that have been used, in particular where the relevant designated standards, and/or normative documents have not been applied in full. The supporting evidence shall include, where necessary, the results of tests carried out in

accordance with other relevant technical specifications by the appropriate laboratory of the manufacturer, or by another testing laboratory on his behalf and under his responsibility.

4. The approved body shall:

For the instrument:

4.1. examine the technical documentation and supporting evidence to assess the adequacy of the technical design of the instrument;

For the specimen(s):

4.2. verify that the specimen(s) have been manufactured in conformity with the technical documentation and identify the elements which have been designed in accordance with the applicable provisions of the relevant designated standards and/or normative documents, as well as the elements which have been designed in accordance with other relevant technical specifications;

4.3. carry out appropriate examinations and tests, or have them carried out, to check whether, where the manufacturer has chosen to apply the solutions in the relevant designated standards and normative documents, these have been applied correctly;

4.4. carry out appropriate examinations and tests, or have them carried out, to check whether, where the solutions in the relevant designated standards, and/or normative documents have not been applied, the solutions adopted by the manufacturer applying other relevant technical specifications meet the corresponding essential requirements of these Regulations;

4.5. agree with the manufacturer on the location where the examinations and tests will be carried out.

For the other parts of the regulated measuring instrument:

4.6. examine the technical documentation and supporting evidence to assess the adequacy of the technical design of the other parts of the regulated measuring instrument.

5. The approved body shall draw up an evaluation report that records the activities undertaken in accordance with paragraph 4 and their outcomes. Without prejudice to its obligations vis-à-vis the Secretary of State, the approved body shall release the content of that report, in full or in part, only with the agreement of the manufacturer.

6. Where the type meets the requirements of these Regulations, the approved body shall issue a type examination certificate to the manufacturer. That certificate shall contain the name and address of the manufacturer, the conclusions of the examination, the conditions (if any) for its validity and the necessary data for identification of the approved type. The type examination certificate may have one or more annexes attached.

The type examination certificate and its annexes shall contain all relevant information to allow the conformity of manufactured regulated measuring instruments with the examined type to be evaluated and to allow for in-service control. In particular, to allow the conformity of manufactured instruments to be evaluated with the examined type regarding the reproducibility of their metrological performances, when they are properly adjusted using appropriate means, content shall include:

- the metrological characteristics of the type of instrument;
- measures required for ensuring the integrity of the instruments (sealing, identification of software, etc.);
- information on other elements necessary for the identification of the instruments and to check their visual external conformity to type;
- if appropriate, any specific information necessary to verify the characteristics of manufactured instruments.

The type examination certificate shall have a validity of 10 years from the date of its issue, and may be renewed for subsequent periods of 10 years each.

Where the type does not satisfy the applicable requirements of these Regulations, the approved body shall refuse to issue a type examination certificate and shall inform the applicant accordingly, giving detailed reasons for its refusal.

7. The approved body shall keep itself apprised of any changes in the generally acknowledged state of the art which indicate that the approved type may no longer comply with the applicable requirements of these Regulations, and shall determine whether such changes require further investigation. If so, the approved body shall inform the manufacturer accordingly.

8. The manufacturer shall inform the approved body that holds the technical documentation relating to the type examination certificate of all modifications to the approved type that may affect the conformity of the instrument with the essential requirements of these Regulations or the conditions for validity of that certificate. Such modifications shall require additional approval in the form of an addition to the original type examination certificate.

9. Each approved body shall inform the Secretary of State concerning the type examination certificates and/or any additions thereto which it has issued or withdrawn, and shall, periodically or upon request, make available to the Secretary of State the list of such certificates and/or any additions thereto refused, suspended or otherwise restricted.

The other approved bodies and the Secretary of State may, on request, obtain a copy of the type examination certificates and/or additions thereto. On request, the Secretary of State may obtain a copy of the technical documentation and the results of the examinations carried out by the approved body.

The approved body shall keep a copy of the type examination certificate, its annexes and additions, as well as the technical file including the documentation submitted by the manufacturer until the expiry of the validity of that certificate.

10. The manufacturer shall keep a copy of the type examination certificate, its annexes and additions together with the technical documentation at the disposal of the market surveillance authorities for 10 years after the instrument has been placed on the market.

11. The manufacturer's authorised representative may lodge the application referred to in paragraph 3 and fulfil the obligations set out in paragraphs 8 and 10, provided that they are specified in the mandate.

MODULE D:

CONFORMITY TO TYPE BASED ON QUALITY ASSURANCE OF THE PRODUCTION PROCESS

1. Conformity to type based on quality assurance of the production process is the part of a conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in paragraphs 2 and 5, and ensures and declares on his sole responsibility that the regulated measuring instruments concerned are in conformity with the type described in the type examination certificate and satisfy the requirements of these Regulations that apply to them.

Manufacturing

2. The manufacturer shall operate an approved quality system for production, final product inspection and testing of the regulated measuring instruments concerned as specified in paragraph 3 and shall be subject to surveillance as specified in paragraph 4.

Quality system

3

3.1. The manufacturer shall lodge an application for assessment of his quality system with an approved body of his choice, for the regulated measuring instruments concerned.

The application shall include:

- (a) the name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address as well,
- (b) a written declaration that the same application has not been lodged with any other approved body,
- (c) all relevant information for the instrument category envisaged;
- (d) the documentation concerning the quality system;
- (e) the technical documentation of the approved type and a copy of the type examination certificate.

3.2. The quality system shall ensure that the regulated measuring instruments are in conformity with the type described in the type examination certificate and comply with the requirements of these Regulations that apply to them.

All the elements, requirements and provisions adopted by the manufacturer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation shall permit a consistent interpretation of the quality programmes, plans, manuals and records.

It shall, in particular, contain an adequate description of:

- (a) the quality objectives and the organisational structure, responsibilities and powers of the management with regard to product quality;
- (b) the corresponding manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used;
- (c) the examinations and tests that will be carried out before, during, and after manufacture, and the frequency with which they will be carried out;
- (d) the quality records, such as inspection reports and test data, calibration data, qualification reports on the personnel concerned;
- (e) the means of monitoring the achievement of the required product quality and the effective operation of the quality system.

3.3. The approved body shall assess the quality system to determine whether it satisfies the requirements referred to in paragraph 3.2.

It shall presume conformity with those requirements in respect of the elements of the quality system that comply with the corresponding specifications of the relevant designated standard.

In addition to experience in quality management systems, the auditing team shall have at least one member with experience of evaluation in the relevant instrument field and instrument technology concerned, and knowledge of the applicable requirements of these Regulations. The audit shall include an assessment visit to the manufacturer's premises.

The auditing team shall review the technical documentation referred to in paragraph 3.1(e), to verify the manufacturer's ability to identify the relevant requirements of these Regulations and to carry out the necessary examinations with a view to ensuring compliance of the instrument with those requirements.

The decision shall be notified to the manufacturer. The notification shall contain the conclusions of the audit and the reasoned assessment decision.

3.4. The manufacturer shall undertake to fulfil the obligations arising out of the quality system as approved and to maintain it so that it remains adequate and efficient.

3.5. The manufacturer shall keep the approved body that has approved the quality system informed of any intended change of the quality system.

The approved body shall evaluate any proposed changes and decide whether the modified quality system will continue to satisfy the requirements referred to in paragraph 3.2 or whether a re-assessment is necessary.

It shall notify the manufacturer of its decision. The notification shall contain the conclusions of the examination and the reasoned assessment decision.

Surveillance under the responsibility of the approved body

4

4.1. The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

4.2. The manufacturer shall, for assessment purposes, allow the approved body access to the manufacture, inspection, testing and storage sites, and shall provide it with all necessary information, in particular:

- (a) the quality system documentation;
- (b) the quality records, such as inspection reports and test data, calibration data, qualification reports on the personnel concerned.

4.3. The approved body shall carry out periodic audits to make sure that the manufacturer maintains and applies the quality system and shall provide the manufacturer with an audit report.

4.4. In addition, the approved body may pay unexpected visits to the manufacturer. During such visits the approved body may, if necessary, carry out instrument tests, or have them carried out, in order to verify that the quality system is functioning correctly. The approved body shall provide the manufacturer with a visit report and, if tests have been carried out, with a test report.

Conformity marking and declaration of conformity

5

5.1. The manufacturer shall affix the UK marking and the M marking set out in these Regulations and, under the responsibility of the approved body referred to in paragraph 3.1, the latter's identification number to each individual regulated measuring instrument that is in conformity with the type described in the type examination certificate and satisfies the applicable requirements of these Regulations.

5.2. The manufacturer shall draw up a written declaration of conformity for each instrument model and keep it at the disposal of the market surveillance authorities for 10 years after the instrument has been placed on the market. The declaration of conformity shall identify the instrument model for which it has been drawn up.

A copy of the declaration of conformity shall be made available to the market surveillance authorities upon request.

A copy of the declaration of conformity shall be supplied with each regulated measuring instrument that is placed on the market. However, this requirement may be interpreted as applying to a batch or

consignment rather than individual instruments in those cases where a large number of instruments is delivered to a single user.

6. The manufacturer shall, for a period ending 10 years after the instrument has been placed on the market, keep at the disposal of the market surveillance authorities:

- (a) the documentation referred to in paragraph 3.1,
- (b) the information relating to the change referred to in paragraph 3.5, as approved;
- (c) the decisions and reports from the approved body referred to in paragraphs 3.5, 4.3 and 4.4.

7. Each approved body shall inform the Secretary of State of quality system approvals issued or withdrawn, and shall, periodically or upon request, make available to the Secretary of State the list of quality system approvals refused, suspended or otherwise restricted.

Authorised representative

8. The manufacturer's obligations set out in paragraphs 3.1, 3.5, 5 and 6 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

MODULE D1:

QUALITY ASSURANCE OF THE PRODUCTION PROCESS

1. Quality assurance of the production process is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in paragraphs 2, 4 and 7, and ensures and declares on his sole responsibility that the regulated measuring instruments concerned satisfy the requirements of these Regulations that apply to them.

Technical documentation

2. The manufacturer shall establish the technical documentation set out in regulations 44 and 45. The documentation shall make it possible to assess the instrument's conformity with the relevant requirements, and shall include an adequate analysis and assessment of the risk(s). The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the instrument.

3. The manufacturer shall keep the technical documentation at the disposal of the market surveillance authorities for 10 years after the instrument has been placed on the market.

Manufacturing

4. The manufacturer shall operate an approved quality system for production, final product inspection and testing of the regulated measuring instruments concerned as specified in paragraph 5 and shall be subject to surveillance as specified in paragraph 6.

Quality system

5

5.1. The manufacturer shall lodge an application for assessment of his quality system with an approved body of his choice, for the measuring instruments concerned.

The application shall include:

- (a) the name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address as well;
- (b) a written declaration that the same application has not been lodged with any other approved body;
- (c) all relevant information for the instrument category envisaged;
- (d) the documentation concerning the quality system;
- (e) the technical documentation referred to in paragraph 2.

5.2. The quality system shall ensure compliance of the regulated measuring instruments with the requirements of these Regulations that apply to them.

All the elements, requirements and provisions adopted by the manufacturer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation shall permit a consistent interpretation of the quality programmes, plans, manuals and records.

It shall, in particular, contain an adequate description of:

- (a) the quality objectives and the organisational structure, responsibilities and powers of the management with regard to product quality;
- (b) the corresponding manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used;
- (c) the examinations and tests that will be carried out before, during, and after manufacture, and the frequency with which they will be carried out;
- (d) the quality records, such as inspection reports and test data, calibration data, qualification reports on the personnel concerned;
- (e) the means of monitoring the achievement of the required product quality and the effective operation of the quality system.

5.3. The approved body shall assess the quality system to determine whether it satisfies the requirements referred to in paragraph 5.2.

It shall presume conformity with those requirements in respect of the elements of the quality system that comply with the corresponding specifications of the relevant designated standard.

In addition to experience in quality management systems, the auditing team shall have at least one member with experience of evaluation in the relevant instrument field and instrument technology concerned, and knowledge of the applicable requirements of these Regulations. The audit shall include an assessment visit to the manufacturer's premises.

The auditing team shall review the technical documentation referred to in paragraph 2 in order to verify the manufacturer's ability to identify the relevant requirements of these Regulations and to carry out the necessary examinations with a view to ensuring compliance of the instrument with those requirements.

The decision shall be notified to the manufacturer. The notification shall contain the conclusions of the audit and the reasoned assessment decision.

5.4. The manufacturer shall undertake to fulfil the obligations arising out of the quality system as approved and to maintain it so that it remains adequate and efficient.

5.5. The manufacturer shall keep the approved body that has approved the quality system informed of any intended change of the quality system.

The approved body shall evaluate any proposed changes and decide whether the modified quality system will continue to satisfy the requirements referred to in paragraph 5.2 or whether a re-assessment is necessary.

It shall notify the manufacturer of its decision. The notification shall contain the conclusions of the examination and the reasoned assessment decision.

Surveillance under the responsibility of the approved body

6

6.1. The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

6.2. The manufacturer shall, for assessment purposes, allow the approved body access to the manufacture, inspection, testing and storage sites, and shall provide it with all necessary information, in particular:

- (a) the quality system documentation;
- (b) the technical documentation referred to in paragraph 2;
- (c) the quality records, such as inspection reports and test data, calibration data, qualification reports on the personnel concerned.

6.3. The approved body shall carry out periodic audits to make sure that the manufacturer maintains and applies the quality system and shall provide the manufacturer with an audit report.

6.4. In addition, the approved body may pay unexpected visits to the manufacturer. During such visits the approved body may, if necessary, carry out instrument tests, or have them carried out, in order to verify that the quality system is functioning correctly. The approved body shall provide the manufacturer with a visit report and, if tests have been carried out, with a test report.

Conformity marking and declaration of conformity

7

7.1. The manufacturer shall affix the UK marking, the M marking set out in these Regulations, and, under the responsibility of the approved body referred to in paragraph 5.1, the latter's identification number to each individual regulated measuring instrument that satisfies the applicable requirements of these Regulations.

7.2. The manufacturer shall draw up a written declaration of conformity for each instrument model and keep it at the disposal of the market surveillance authorities for 10 years after the instrument has been placed on the market. The declaration of conformity shall identify the instrument model for which it has been drawn up.

A copy of the declaration of conformity shall be made available to the market surveillance authorities upon request.

A copy of the declaration of conformity shall be supplied with each regulated measuring instrument that is placed on the market. However, this requirement may be interpreted as applying to a batch or consignment rather than individual instruments in those cases where a large number of instruments is delivered to a single user.

8. The manufacturer shall, for a period ending 10 years after the instrument has been placed on the market, keep at the disposal of the market surveillance authorities:

- (a) the documentation referred to in paragraph 5.1;
- (b) the information relating to the change referred to in paragraph 5.5, as approved;

(c) the decisions and reports of the approved body referred to in paragraphs 5.5, 6.3 and 6.4.

9. Each approved body shall inform the Secretary of State of quality system approvals issued or withdrawn, and shall, periodically or upon request, make available to the Secretary of State the list of quality system approvals refused, suspended or otherwise restricted.

Authorised representative

10. The manufacturer's obligations set out in paragraphs 3, 5.1, 5.5, 7 and 8 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

MODULE E:

CONFORMITY TO TYPE BASED ON INSTRUMENT QUALITY ASSURANCE

1. Conformity to type based on instrument quality assurance is that part of a conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in paragraphs 2 and 5, and ensures and declares on his sole responsibility that the regulated measuring instruments concerned are in conformity with the type described in the type examination certificate and satisfy the requirements of these Regulations that apply to them.

Manufacturing

2. The manufacturer shall operate an approved quality system for final product inspection and testing of the regulated measuring instruments concerned as specified in paragraph 3 and shall be subject to surveillance, as specified in paragraph 4.

Quality system

3

3.1. The manufacturer shall lodge an application for assessment of his quality system with an approved body of his choice, for the regulated measuring instruments concerned.

The application shall include:

- (a) the name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address as well;
- (b) a written declaration that the same application has not been lodged with any other approved body;
- (c) all relevant information for the instrument category envisaged;
- (d) the documentation concerning the quality system;
- (e) the technical documentation of the approved type and a copy of the type examination certificate.

3.2. The quality system shall ensure compliance of the regulated measuring instruments with the type described in the type examination certificate and with the applicable requirements of these Regulations.

All the elements, requirements and provisions adopted by the manufacturer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation shall permit a consistent interpretation of the quality programmes, plans, manuals and records.

It shall, in particular, contain an adequate description of:

- (a) the quality objectives and the organisational structure, responsibilities and powers of the management with regard to product quality;
- (b) the examinations and tests that will be carried out after manufacture;
- (c) the quality records, such as inspection reports and test data, calibration data, qualification reports on the personnel concerned;
- (d) the means of monitoring the effective operation of the quality system.

3.3. The approved body shall assess the quality system to determine whether it satisfies the requirements referred to in paragraph 3.2.

It shall presume conformity with those requirements in respect of the elements of the quality system that comply with the corresponding specifications of the relevant designated standard.

In addition to experience in quality management systems, the auditing team shall have at least one member with experience of evaluation in the relevant instrument field and instrument technology concerned, and knowledge of the applicable requirements of these Regulations. The audit shall include an assessment visit to the manufacturer's premises.

The auditing team shall review the technical documentation referred to in paragraph 3.1(e), in order to verify the manufacturer's ability to identify the relevant requirements of these Regulations and to carry out the necessary examinations with a view to ensuring compliance of the instrument with those requirements.

The decision shall be notified to the manufacturer. The notification shall contain the conclusions of audit and the reasoned assessment decision.

3.4. The manufacturer shall undertake to fulfil the obligations arising out of the quality system as approved and to maintain it so that it remains adequate and efficient.

3.5. The manufacturer shall keep the approved body that has approved the quality system informed of any intended change to the quality system.

The approved body shall evaluate any proposed changes and decide whether the modified quality system will continue to satisfy the requirements referred to in paragraph 3.2 or whether a re-assessment is necessary.

It shall notify the manufacturer of its decision. The notification shall contain the conclusions of the examination and the reasoned assessment decision.

Surveillance under the responsibility of the approved body

4

4.1. The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

4.2. The manufacturer shall, for assessment purposes, allow the approved body access to the manufacture, inspection, testing and storage sites, and shall provide it with all necessary information, in particular:

- (a) the quality system documentation;
- (b) the quality records, such as inspection reports and test data, calibration data, qualification reports on the personnel concerned.

4.3. The approved body shall carry out periodic audits to make sure that the manufacturer maintains and applies the quality system and shall provide the manufacturer with an audit report.

4.4. In addition, the approved body may pay unexpected visits to the manufacturer. During such visits the approved body may, if necessary, carry out instrument tests, or have them carried out, in order to verify that the quality system is functioning correctly. The approved body shall provide the manufacturer with a visit report and, if tests have been carried out, with a test report.

Conformity marking and declaration of conformity

5

5.1. The manufacturer shall affix the UK marking, the M marking set out in these Regulations, and, under the responsibility of the approved body referred to in paragraph 3.1, the latter's identification number to each individual instrument that is in conformity with the type described in the type examination certificate and satisfies the applicable requirements of these Regulations.

5.2. The manufacturer shall draw up a written declaration of conformity for each instrument model and keep it at the disposal of the market surveillance authorities for 10 years after the instrument has been placed on the market. The declaration of conformity shall identify the instrument model for which it has been drawn up.

A copy of the declaration of conformity shall be made available to the market surveillance authorities upon request.

A copy of the declaration of conformity shall be supplied with each regulated measuring instrument that is placed on the market. However, this requirement may be interpreted as applying to a batch or consignment rather than individual instruments in those cases where a large number of instruments is delivered to a single user.

6. The manufacturer shall, for a period ending 10 years after the instrument has been placed on the market, keep at the disposal of the market surveillance authorities:

- (a) the documentation referred to in paragraph 3.1;
- (c) the information relating to the change referred to in paragraph 3.5, as approved;
- (c) the decisions and reports of the approved body referred to in paragraphs 3.5, 4.3 and 4.4.

7. Each approved body shall inform the Secretary of State of quality system approvals issued or withdrawn, and shall, periodically or upon request, make available to the Secretary of State the list of quality system approvals refused, suspended or otherwise restricted.

Authorised representative

8. The manufacturer's obligations set out in paragraphs 3.1, 3.5, 5 and 6 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

MODULE E1:

QUALITY ASSURANCE OF FINAL INSTRUMENT INSPECTION AND TESTING

1. Quality assurance of final instrument inspection and testing is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in paragraphs 2, 4 and 7, and ensures and declares on his sole responsibility that the regulated measuring instruments concerned satisfy the requirements of these Regulations that apply to them.

Technical documentation

2. The manufacturer shall establish the technical documentation set out in regulations 44 and 45. The documentation shall make it possible to assess the instrument's conformity with the relevant requirements, and shall include an adequate analysis and assessment of the risk(s). The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the instrument.

3. The manufacturer shall keep the technical documentation at the disposal of the market surveillance authorities for 10 years after the instrument has been placed on the market.

Manufacturing

4. The manufacturer shall operate an approved quality system for final product inspection and testing of the regulated measuring instruments concerned as specified in paragraph 5 and shall be subject to surveillance as specified in paragraph 6.

Quality system

5

5.1. The manufacturer shall lodge an application for assessment of his quality system with the approved body of his choice, for the regulated measuring instruments concerned.

The application shall include:

- (a) the name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address as well;
- (b) a written declaration that the same application has not been lodged with any other approved body;
- (c) all relevant information for the instrument category envisaged;
- (d) the documentation concerning the quality system;
- (e) the technical documentation referred to in paragraph 2.

5.2. The quality system shall ensure compliance of the regulated measuring instruments with the requirements of these Regulations that apply to them.

All the elements, requirements and provisions adopted by the manufacturer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. The quality system documentation shall permit a consistent interpretation of the quality programmes, plans, manuals and records.

It shall, in particular, contain an adequate description of:

- (a) the quality objectives and the organisational structure, responsibilities and powers of the management with regard to product quality;
- (b) the examinations and tests that will be carried out after manufacture;
- (c) the quality records, such as inspection reports and test data, calibration data, qualification reports on the personnel concerned;
- (d) the means of monitoring the effective operation of the quality system.

5.3. The approved body shall assess the quality system to determine whether it satisfies the requirements referred to in paragraph 5.2.

It shall presume conformity with those requirements in respect of the elements of the quality system that comply with the corresponding specifications of the relevant designated standard.

In addition to experience in quality management systems, the auditing team shall have at least one member with experience of evaluation in the relevant instrument field and instrument technology concerned, and knowledge of the applicable requirements of these Regulations. The audit shall include an assessment visit to the manufacturer's premises.

The auditing team shall review the technical documentation referred to in paragraph 2 in order to verify the manufacturer's ability to identify the relevant requirements of these Regulations and to carry out the necessary examinations with a view to ensuring compliance of the instrument with those requirements.

The decision shall be notified to the manufacturer. The notification shall contain the conclusions of the audit and the reasoned assessment decision.

5.4. The manufacturer shall undertake to fulfil the obligations arising out of the quality system as approved and to maintain it so that it remains adequate and efficient.

5.5. The manufacturer shall keep the approved body that has approved the quality system informed of any intended change to the quality system.

The approved body shall evaluate any proposed changes and decide whether the modified quality system will continue to satisfy the requirements referred to in paragraph 5.2 or whether a re-assessment is necessary.

It shall notify the manufacturer of its decision. The notification shall contain the conclusions of the examination and the reasoned assessment decision.

Surveillance under the responsibility of the approved body

6

6.1. The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

6.2. The manufacturer shall, for assessment purposes, allow the approved body access to the manufacture, inspection, testing and storage sites, and shall provide it with all necessary information, in particular:

- (a) the quality system documentation;
- (b) the technical documentation referred to in paragraph 2;
- (c) the quality records, such as inspection reports and test data, calibration data, qualification reports on the personnel concerned.

6.3. The approved body shall carry out periodic audits to make sure that the manufacturer maintains and applies the quality system and shall provide the manufacturer with an audit report.

6.4. In addition, the approved body may pay unexpected visits to the manufacturer. During such visits the approved body may, if necessary, carry out instrument tests, or have them carried out, in order to verify that the quality system is functioning correctly. The approved body shall provide the manufacturer with a visit report and, if tests have been carried out, with a test report.

Conformity marking and declaration of conformity

7

7.1. The manufacturer shall affix the UK marking, the M marking set out in these Regulations, and, under the responsibility of the approved body referred to in paragraph 5.1, the latter's identification number to each individual regulated measuring instrument that satisfies the applicable requirements of these Regulations.

7.2. The manufacturer shall draw up a written declaration of conformity for each instrument model and keep it at the disposal of the market surveillance authorities for 10 years after the instrument has been placed on the market. The declaration of conformity shall identify the instrument model for which it has been drawn up.

A copy of the declaration of conformity shall be made available to the market surveillance authorities upon request.

A copy of the declaration of conformity shall be supplied with each regulated measuring instrument that is placed on the market. However, this requirement may be interpreted as applying to a batch or consignment rather than individual instruments in those cases where a large number of instruments is delivered to a single user.

8. The manufacturer shall, for a period ending 10 years after the instrument has been placed on the market, keep at the disposal of the market surveillance authorities:

- (a) the documentation referred to in paragraph 5.1,
- (b) the information relating to the change referred to in paragraph 5.5, as approved;
- (c) the decisions and reports from the approved body referred to in paragraphs 5.5, 6.3 and 6.4.

9. Each approved body shall inform the Secretary of State of quality system approvals issued or withdrawn, and shall, periodically or upon request, make available to the Secretary of State the list of quality system approvals refused, suspended or otherwise restricted.

Authorised representative

10. The manufacturer's obligations set out in paragraphs 3, 5.1, 5.5, 7 and 8 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

MODULE F:

CONFORMITY TO TYPE BASED ON PRODUCT VERIFICATION

1. Conformity to type based on product verification is the part of a conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in paragraphs 2, 5.1 and 6, and ensures and declares on his sole responsibility that the regulated measuring instruments concerned, which have been subject to the provisions of paragraph 3, are in conformity with the type described in the type examination certificate and satisfy the requirements of these Regulations that apply to them.

Manufacturing

2. The manufacturer shall take all measures necessary so that the manufacturing process and its monitoring ensure conformity of the manufactured regulated measuring instruments with the approved type described in the type examination certificate and with the requirements of these Regulations that apply to them.

Verification

3. An approved body chosen by the manufacturer shall carry out the appropriate examinations and tests, or have them carried out, to verify the conformity of the instruments with the type as described in the type examination certificate and the appropriate requirements of these Regulations.

The examinations and tests to verify the conformity of the regulated measuring instruments with the appropriate requirements shall be carried out, at the choice of the manufacturer, either by

examination and testing of every instrument as specified in paragraph 4, or by examination and testing of the regulated measuring instruments on a statistical basis as specified in paragraph 5.

4. Verification of conformity by examination and testing of every instrument

4.1. All regulated measuring instruments shall be individually examined and appropriate tests set out in the relevant designated standard(s) and/or normative documents, and/or equivalent tests set out in other relevant technical specifications, shall be carried out in order to verify their conformity with the approved type described in the type examination certificate and with the appropriate requirements of these Regulations.

In the absence of a designated standard or normative document, the approved body concerned shall decide on the appropriate tests to be carried out.

4.2. The approved body shall issue a certificate of conformity in respect of the examinations and tests carried out, and shall affix its identification number to each approved instrument or have it affixed under its responsibility.

The manufacturer shall keep the certificates of conformity available for inspection by the market surveillance authorities for 10 years after the instrument has been placed on the market.

Statistical verification of conformity

5

5.1. The manufacturer shall take all measures necessary so that the manufacturing process and its monitoring ensure the homogeneity of each lot produced, and shall present his regulated measuring instruments for verification in the form of homogeneous lots.

5.2. A random sample shall be taken from each lot according to the requirements of paragraph 5.3. All regulated measuring instruments in a sample shall be individually examined and appropriate tests set out in the relevant designated standard(s) and/or normative document(s), and/or equivalent tests set out in other relevant technical specifications, shall be carried out in order to verify their conformity with the type described in the type examination certificate and with the applicable requirements of these Regulations, and to determine whether the lot is accepted or rejected. In the absence of such designated standard or normative document, the approved body concerned shall decide on the appropriate tests to be carried out.

5.3. The statistical procedure shall meet the following requirements:

The statistical control will be based on attributes. The sampling system shall ensure:

- (a) a level of quality corresponding to a probability of acceptance of 95 %, with a non-conformity of less than 1 %;
- (b) a limit quality corresponding to a probability of acceptance of 5 %, with a non-conformity of less than 7 %.

5.4. If a lot is accepted, all regulated measuring instruments of the lot shall be considered approved, except for those regulated measuring instruments from the sample that have been found not to satisfy the tests.

The approved body shall issue a certificate of conformity in respect of the examinations and tests carried out, and shall affix its identification number to each approved instrument or have it affixed under its responsibility.

The manufacturer shall keep the certificates of conformity at the disposal of the market surveillance authorities for 10 years after the instrument has been placed on the market.

5.5. If a lot is rejected, the approved body shall take appropriate measures to prevent the placing on the market of that lot. In the event of frequent rejection of lots the approved body may suspend the statistical verification and take appropriate measures.

Conformity marking and declaration of conformity

6

6.1. The manufacturer shall affix the UK marking and the M marking set out in these Regulations, and, under the responsibility of the approved body referred to in paragraph 3, the latter's identification number to each individual instrument that is in conformity with the approved type described in the type examination certificate and satisfies the applicable requirements of these Regulations.

6.2. The manufacturer shall draw up a written declaration of conformity for each instrument model and keep it at the disposal of the market surveillance authorities for 10 years after the instrument has been placed on the market. The declaration of conformity shall identify the instrument model for which it has been drawn up.

A copy of the declaration of conformity shall be made available to the market surveillance authorities upon request.

A copy of the declaration of conformity shall be supplied with each regulated measuring instrument that is placed on the market. However, this requirement may be interpreted as applying to a batch or consignment rather than individual instruments in those cases where a large number of instruments is delivered to a single user.

If the approved body referred to in paragraph 3 agrees and under its responsibility, the manufacturer may also affix the approved body's identification number to the regulated measuring instruments.

7. If the approved body agrees and under its responsibility, the manufacturer may affix the approved body's identification number to the regulated measuring instruments during the manufacturing process.

Authorised representative

8. The manufacturer's obligations may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate. An authorised representative may not fulfil the manufacturer's obligations set out in paragraphs 2 and 5.1.

MODULE F1:

CONFORMITY BASED ON PRODUCT VERIFICATION

1. Conformity based on product verification is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in paragraphs 2, 3, 6.1 and 7 and ensures and declares on his sole responsibility that the regulated measuring instruments concerned which have been subject to the provisions of paragraph 4, are in conformity with the requirements of these Regulations that apply to them.

Technical documentation

2. The manufacturer shall establish the technical documentation set out in regulations 44 and 45. The documentation shall make it possible to assess the instrument's conformity with the relevant requirements, and shall include an adequate analysis and assessment of the risk(s). The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the instrument.

The manufacturer shall keep the technical documentation at the disposal of the market surveillance authorities for 10 years after the instrument has been placed on the market.

Manufacturing

3. The manufacturer shall take all measures necessary so that the manufacturing process and its monitoring ensure conformity of the manufactured regulated measuring instruments with the applicable requirements of these Regulations.

Verification

4. An approved body chosen by the manufacturer shall carry out the appropriate examinations and tests, or have them carried out, to verify the conformity of the regulated measuring instruments with the applicable requirements of these Regulations.

The examinations and tests to verify the conformity with the requirements shall be carried out, at the choice of the manufacturer, either by examination and testing of every instrument as specified in paragraph 5, or by examination and testing of the regulated measuring instruments on a statistical basis as specified in paragraph 6.

Verification of conformity by examination and testing of every instrument

5

5.1. All regulated measuring instruments shall be individually examined and appropriate tests, set out in the relevant designated standards and/or normative documents, and/or equivalent tests set out in other relevant technical specifications, shall be carried out to verify their conformity with the requirements that apply to them. In the absence of such a designated standard, or normative document, the approved body concerned shall decide on the appropriate tests to be carried out.

5.2. The approved body shall issue a certificate of conformity in respect of the examinations and tests carried out, and shall affix its identification number to each approved instrument or have it affixed under its responsibility.

The manufacturer shall keep the certificates of conformity at the disposal of the market surveillance authorities for 10 years after the instrument has been placed on the market.

Statistical verification of conformity

6

6.1. The manufacturer shall take all measures necessary so that the manufacturing process ensures the homogeneity of each lot produced, and shall present his regulated measuring instruments for verification in the form of homogeneous lots.

6.2. A random sample shall be taken from each lot according to the requirements of paragraph 6.4.

6.3. All regulated measuring instruments in the sample shall be individually examined and appropriate tests set out in the relevant designated standards and/or normative documents, and/or equivalent tests set out in other relevant technical specifications, shall be carried out in order to verify their conformity with the applicable requirements of these Regulations and to determine whether the lot is accepted or rejected. In the absence of such designated standard, or normative document, the approved body concerned shall decide on the appropriate tests to be carried out.

6.4. The statistical procedure shall meet the following requirements:

The statistical control will be based on attributes. The sampling system shall ensure:

Changes to legislation: There are currently no known outstanding effects for the *The Measuring Instruments Regulations 2016*. (See end of Document for details)

- (a) a level of quality corresponding to a probability of acceptance of 95 %, with a non-conformity of less than 1 %;
- (b) a limit quality corresponding to a probability of acceptance of 5 %, with a non-conformity of less than 7 %.

6.5. If a lot is accepted, all regulated measuring instruments of the lot shall be considered approved, except for those regulated measuring instruments from the sample that have been found not to satisfy the tests.

The approved body shall issue a certificate of conformity in respect of the examinations and tests carried out, and shall affix its identification number to each approved instrument or have it affixed under its responsibility.

The manufacturer shall keep the certificates of conformity at the disposal of the market surveillance authorities for 10 years after the instrument has been placed on the market.

If a lot is rejected, the approved body shall take appropriate measures to prevent that lot from being placed on the market. In the event of frequent rejection of lots the approved body may suspend the statistical verification and take appropriate measures.

Conformity marking and declaration of conformity

7

7.1. The manufacturer shall affix the UK marking and the M marking set out in these Regulations, and under the responsibility of the approved body referred to in paragraph 4, the latter's identification number to each individual regulated measuring instrument that satisfies the applicable requirements of these Regulations.

7.2. The manufacturer shall draw up a written declaration of conformity for each instrument model and keep it at the disposal of the market surveillance authorities for 10 years after the instrument has been placed on the market. The declaration of conformity shall identify the instrument model for which it has been drawn up.

A copy of the declaration of conformity shall be made available to the market surveillance authorities upon request.

A copy of the declaration of conformity shall be supplied with each regulated measuring instrument that is placed on the market. However, this requirement may be interpreted as applying to a batch or consignment rather than individual regulated measuring instruments in those cases where a large number of instruments is delivered to a single user.

If the approved body referred to in paragraph 5 agrees and under its responsibility, the manufacturer may also affix the approved body's identification number to the regulated measuring instruments.

8. If the approved body agrees and under its responsibility, the manufacturer may affix the approved body's identification number to the regulated measuring instruments during the manufacturing process.

9. Authorised representative

The manufacturer's obligations may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate. An authorised representative may not fulfil the manufacturer's obligations set out in the first paragraph of paragraph 2, paragraph 3 and paragraph 6.1.

MODULE G

CONFORMITY BASED ON UNIT VERIFICATION

1. Conformity based on unit verification is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in paragraphs 2, 3 and 5 and ensures and declares on his sole responsibility that the instrument concerned, which has been subject to the provisions of paragraph 4, is in conformity with the requirements of these Regulations that apply to it.

Technical documentation

2. The manufacturer shall establish the technical documentation and make it available to the approved body referred to in paragraph 4. The documentation shall make it possible to assess the instrument's conformity with the relevant requirements, and shall include an adequate analysis and assessment of the risk(s). The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the instrument.

The manufacturer shall keep the technical documentation at the disposal of the market surveillance authorities for 10 years after the instrument has been placed on the market.

Manufacturing

3. The manufacturer shall take all measures necessary so that the manufacturing process and its monitoring ensure conformity of the manufactured instrument with the applicable requirements of these Regulations.

Verification

4. An approved body chosen by the manufacturer shall carry out the appropriate examinations and tests set out in the relevant designated standards, and/or normative documents, or equivalent tests set out in other relevant technical specifications, to verify the conformity of the instrument with the applicable requirements of these Regulations, or have them carried out. In the absence of such a designated standard, or normative document, the approved body concerned shall decide on the appropriate tests to be carried out.

The approved body shall issue a certificate of conformity in respect of the examinations and tests carried out and affix its identification number to the approved instrument, or have it affixed under its responsibility.

The manufacturer shall keep the certificates of conformity at the disposal of the market surveillance authorities for 10 years after the instrument has been placed on the market.

Conformity marking and declaration of conformity

5

5.1. The manufacturer shall affix the UK marking and the M marking set out in these Regulations and, under the responsibility of the approved body referred to in paragraph 4, the latter's identification number to each instrument that satisfies the applicable requirements of these Regulations.

5.2. The manufacturer shall draw up a written declaration of conformity and keep it at the disposal of the market surveillance authorities for 10 years after the instrument has been placed on the market. The declaration of conformity shall identify the instrument for which it has been drawn up.

A copy of the declaration of conformity shall be made available to the market surveillance authorities upon request.

A copy of the declaration of conformity shall be supplied with the regulated measuring instrument.

Authorised representative

6. The manufacturer's obligations set out in paragraphs 2 and 5 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

MODULE H:

CONFORMITY BASED ON FULL QUALITY ASSURANCE

1. Conformity based on full quality assurance is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in paragraphs 2 and 5, and ensures and declares on his sole responsibility that the regulated measuring instruments concerned satisfy the requirements of these Regulations that apply to them.

Manufacturing

2. The manufacturer shall operate an approved quality system for design, manufacture and final product inspection and testing of the regulated measuring instruments concerned as specified in paragraph 3, and shall be subject to surveillance as specified in paragraph 4.

Quality system

3

3.1. The manufacturer shall lodge an application for assessment of his quality system with the approved body of his choice, for the regulated measuring instruments concerned.

The application shall include:

- (a) the name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address as well,
- (b) the technical documentation for one model of each category of regulated measuring instruments intended to be manufactured. The documentation shall make it possible to assess the instrument's conformity with the relevant requirements, and shall include an adequate analysis and assessment of the risk(s). The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the instrument,
- (c) the documentation concerning the quality system, and
- (d) a written declaration that the same application has not been lodged with any other approved body.

3.2. The quality system shall ensure compliance of the regulated measuring instruments with the requirements of these Regulations that apply to them.

All the elements, requirements and provisions adopted by the manufacturer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation shall permit a consistent interpretation of the quality programmes, plans, manuals and records.

It shall, in particular, contain an adequate description of:

- (a) the quality objectives and the organisational structure, responsibilities and powers of the management with regard to design and product quality;

- (b) the technical design specifications, including standards, that will be applied and, where the relevant designated standards, and/or normative documents will not be applied in full, the means that will be used to ensure that the essential requirements of these Regulations that apply to the regulated measuring instruments will be met applying other relevant technical specifications;
- (c) the design control and design verification techniques, processes and systematic actions that will be used when designing the regulated measuring instruments pertaining to the instrument category covered;
- (d) the corresponding manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used;
- (e) the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out;
- (f) the quality records, such as inspection reports and test data, calibration data, qualification reports on the personnel concerned;
- (g) the means of monitoring the achievement of the required design and product quality and the effective operation of the quality system.

3.3. The approved body shall assess the quality system to determine whether it satisfies the requirements referred to in paragraph 3.2.

It shall presume conformity with those requirements in respect of the elements of the quality system that comply with the corresponding specifications of the relevant designated standard.

In addition to experience in quality management systems, the auditing team shall have at least one member experienced as an assessor in the relevant instrument field and instrument technology concerned, and knowledge of the applicable requirements of these Regulations. The audit shall include an assessment visit to the manufacturer's premises.

The auditing team shall review the technical documentation referred to in paragraph 3.1(b) to verify the manufacturer's ability to identify the applicable requirements of these Regulations and to carry out the necessary examinations with a view to ensuring compliance of the instrument with those requirements.

The manufacturer or his authorised representative shall be notified of the decision. The notification shall contain the conclusions of the audit and the reasoned assessment decision.

3.4. The manufacturer shall undertake to fulfil the obligations arising out of the quality system as approved and to maintain it so that it remains adequate and efficient.

3.5. The manufacturer shall keep the approved body that has approved the quality system informed of any intended change to the quality system.

The approved body shall evaluate any proposed changes and decide whether the modified quality system will continue to satisfy the requirements referred to in paragraph 3.2 or whether a re-assessment is necessary.

It shall notify the manufacturer of its decision. The notification shall contain the conclusions of the examination and the reasoned assessment decision.

Surveillance under the responsibility of the approved body

4

4.1. The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

4.2. The manufacturer shall, for assessment purposes, allow the approved body access to the design, manufacture, inspection, testing and storage sites, and shall provide it with all necessary information, in particular:

- (a) the quality system documentation;
- (b) the quality records as provided for by the design part of the quality system, such as results of analyses, calculations, tests.;
- (c) the quality records as provided for by the manufacturing part of the quality system, such as inspection reports and test data, calibration data, qualification reports on the personnel concerned.

4.3. The approved body shall carry out periodic audits to make sure that the manufacturer maintains and applies the quality system and shall provide the manufacturer with an audit report.

4.4. In addition, the approved body may pay unexpected visits to the manufacturer. During such visits the approved body may, if necessary, carry out instrument tests, or have them carried out, in order to check the proper functioning of the quality system. It shall provide the manufacturer with a visit report and, if tests have been carried out, with a test report.

Conformity marking and declaration of conformity

5

5.1. The manufacturer shall affix the UK marking, the M marking set out in these Regulations and, under the responsibility of the approved body referred to in paragraph 3.1, the latter's identification number to each individual instrument that satisfies the applicable requirements of these Regulations.

5.2. The manufacturer shall draw up a written declaration of conformity for each instrument model and keep it at the disposal of the market surveillance authorities for 10 years after the instrument has been placed on the market. The declaration of conformity shall identify the instrument model for which it has been drawn up.

A copy of the declaration of conformity shall be made available to the market surveillance authorities upon request.

A copy of the declaration of conformity shall be supplied with each regulated measuring instrument that is placed on the market. However, this requirement may be interpreted as applying to a batch or consignment rather than individual instruments in those cases where a large number of instruments is delivered to a single user.

6. The manufacturer shall, for a period ending 10 years after the instrument has been placed on the market, keep at the disposal of the market surveillance authorities:

- (a) the technical documentation referred to in paragraph 3.1,
- (b) the documentation concerning the quality system referred to in paragraph 3.1,
- (c) the information relating to the change referred to in paragraph 3.5, as approved;
- (d) the decisions and reports of the approved body referred to in paragraphs 3.5, 4.3 and 4.4.

7. Each approved body shall inform the Secretary of State of quality system approvals issued or withdrawn, and shall, periodically or upon request, make available to the Secretary of State the list of quality system approvals refused, suspended or otherwise restricted.

Authorised representative

8. The manufacturer's obligations set out in paragraphs 3.1, 3.5, 5 and 6 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

MODULE H1:

CONFORMITY BASED ON FULL QUALITY ASSURANCE PLUS DESIGN EXAMINATION

1. Conformity based on full quality assurance plus design examination is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in paragraphs 2 and 6, and ensures and declares on his sole responsibility that the regulated measuring instruments concerned satisfy the requirements of these Regulations that apply to them.

Manufacturing

2. The manufacturer shall operate an approved quality system for design, manufacture and final product inspection and testing of the regulated measuring instruments concerned as specified in paragraph 3, and shall be subject to surveillance as specified in paragraph 5.

The adequacy of the technical design of the regulated measuring instruments shall have been examined in accordance with paragraph 4.

Quality system

3

3.1. The manufacturer shall lodge an application for assessment of the quality system with the approved body of his choice for the regulated measuring instruments concerned.

The application shall include:

- (a) the name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address as well;
- (b) all relevant information for the instrument category envisaged;
- (c) the documentation concerning the quality system;
- (d) a written declaration that the same application has not been lodged with any other approved body.

3.2. The quality system shall ensure compliance of the regulated measuring instruments with the requirements of these Regulations that apply to them.

All the elements, requirements and provisions adopted by the manufacturer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. This quality system documentation shall permit a consistent interpretation of the quality programmes, plans, manuals and records.

It shall, in particular, contain an adequate description of:

- (a) the quality objectives and the organisational structure, responsibilities and powers of the management with regard to design and product quality;
- (b) the technical design specifications, including standards, that will be applied and, where the relevant designated standards and/or normative documents will not be applied in full, the means that will be used to ensure that the essential requirements of these Regulations

that apply to the regulated measuring instruments will be met, applying other relevant technical specifications;

- (c) the design control and design verification techniques, processes and systematic actions that will be used when designing the regulated measuring instruments pertaining to the instrument category covered;
- (d) the corresponding manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used;
- (e) the examinations and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out;
- (f) the quality records, such as inspection reports and test data, calibration data, qualification reports on the personnel concerned;
- (g) the means of monitoring the achievement of the required design and product quality and the effective operation of the quality system.

3.3. The approved body shall assess the quality system to determine whether it satisfies the requirements referred to in paragraph 3.2. It shall presume conformity with those requirements in respect of the elements of the quality system that comply with the corresponding specifications of the relevant designated standard.

In addition to experience in quality management systems, the auditing team shall have at least one member experienced as an assessor in the relevant instrument field and instrument technology concerned, and knowledge of the applicable requirements of these Regulations. The audit shall include an assessment visit to the manufacturer's premises.

The manufacturer or his authorised representative shall be notified of the decision. The notification shall contain the conclusions of the audit and the reasoned assessment decision.

3.4. The manufacturer shall undertake to fulfil the obligations arising out of the quality system as approved and to maintain it so that it remains adequate and efficient.

3.5. The manufacturer shall keep the approved body that has approved the quality system informed of any intended change to the quality system.

The approved body shall evaluate any proposed changes and decide whether the modified quality system will continue to satisfy the requirements referred to in paragraph 3.2 or whether a re-assessment is necessary.

It shall notify the manufacturer or his authorised representative of its decision. The notification shall contain the conclusions of the examination and the reasoned assessment decision.

3.6. Each approved body shall inform the Secretary of State of quality system approvals issued or withdrawn, and shall periodically or upon request, make available to the Secretary of State the list of quality system approvals refused, suspended or otherwise restricted.

Design examination

4

4.1. The manufacturer shall lodge an application for examination of the design with the approved body referred to in paragraph 3.1.

4.2. The application shall make it possible to understand the design, manufacture and operation of the instrument, and to assess the conformity with the requirements of these Regulations that apply to it.

It shall include:

- (a) the name and address of the manufacturer;
- (b) a written declaration that the same application has not been lodged with any other approved body;
- (c) the technical documentation. The documentation shall make it possible to assess the instrument's conformity with the relevant requirements, and shall include an adequate analysis and assessment of the risk(s). It shall, as far as relevant for such assessment, cover the design and operation of the instrument;
- (d) the supporting evidence for the adequacy of the technical design. This supporting evidence shall mention any documents that have been used, in particular where the relevant designated standards and/or normative documents have not been applied in full, and shall include, where necessary, the results of tests carried out in accordance with other relevant technical specifications, by the appropriate laboratory of the manufacturer, or by another testing laboratory on his behalf and under his responsibility.

4.3. The approved body shall examine the application, and where the design meets the requirements of these Regulations that apply to the instrument it shall issue a design examination certificate to the manufacturer. That certificate shall give the name and address of the manufacturer, the conclusions of the examination, the conditions (if any) for its validity and the data necessary for identification of the approved design. That certificate may have one or more annexes attached.

That certificate and its annexes shall contain all relevant information to allow the conformity of manufactured regulated measuring instruments with the examined design to be evaluated and to allow for in-service control. It shall allow the evaluation of conformity of the manufactured instruments with the examined design regarding the reproducibility of their metrological performances, when they are properly adjusted using appropriate means, including:

- (a) the metrological characteristics of the design of the instrument;
- (b) measures required for ensuring the integrity of the instruments (sealing, identification of software, etc.);
- (c) information on other elements necessary for the identification of the instrument and to check its visual external conformity to the design;
- (d) if appropriate, any specific information necessary to verify the characteristics of manufactured instruments;
- (e) in the case of a sub-assembly, all necessary information to ensure the compatibility with other sub-assemblies or regulated measuring instruments.

The approved body shall establish an evaluation report in this regard and keep it at the disposal of the Secretary of State. Without prejudice to paragraph 9 of Schedule 5, the approved body shall release the content of this report, in full or in part, only with the agreement of the manufacturer.

The certificate shall have a validity of 10 years from the date of its issue, and may be renewed for subsequent periods of 10 years each.

Where the design does not satisfy the applicable requirements of these Regulations, the approved body shall refuse to issue a design examination certificate and shall inform the applicant accordingly, giving detailed reasons for its refusal.

4.4. The approved body shall keep itself apprised of any changes in the generally acknowledged state of the art which indicate that the approved design may no longer comply with the applicable requirements of these Regulations, and shall determine whether such changes require further investigation. If so, the approved body shall inform the manufacturer accordingly.

The manufacturer shall keep the approved body that has issued the design examination certificate informed of any modification to the approved design that may affect the conformity with the essential requirements of these Regulations or the conditions for validity of the certificate. Such modifications

shall require additional approval – from the approved body that issued the design examination certificate – in the form of an addition to the original design examination certificate.

4.5. Each approved body shall inform the Secretary of State of the design examination certificates and/or any additions thereto which it has issued or withdrawn, and shall, periodically or upon request, make available to the Secretary of State the list of certificates and/or any additions thereto refused, suspended or otherwise restricted.

The other approved bodies and the Secretary of State may, on request, obtain a copy of the design examination certificates and/or additions thereto. On request, the Secretary of State may obtain a copy of the technical documentation and of the results of the examinations carried out by the approved body.

The approved body shall keep a copy of the design examination certificate, its annexes and additions, as well as the technical file including the documentation submitted by the manufacturer until the expiry of the validity of the certificate.

4.6. The manufacturer shall keep a copy of the design examination certificate, its annexes and additions with the technical documentation at the disposal of the market surveillance authorities for 10 years after the instrument has been placed on the market.

Surveillance under the responsibility of the approved body

5

5.1. The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

5.2. The manufacturer shall, for assessment purposes, allow the approved body access to the design, manufacture, inspection, testing and storage sites, and shall provide it with all necessary information, in particular:

- (a) the quality system documentation;
- (b) the quality records as provided for by the design part of the quality system, such as results of analyses, calculations, tests, etc.;
- (c) the quality records as provided for by the manufacturing part of the quality system, such as inspection reports and test data, calibration data, qualification reports on the personnel concerned, etc.

5.3. The approved body shall carry out periodic audits to make sure that the manufacturer maintains and applies the quality system and shall provide the manufacturer with an audit report.

5.4. In addition, the approved body may pay unexpected visits to the manufacturer. During such visits the approved body may, if necessary, carry out instrument tests, or have them carried out, in order to check the proper functioning of the quality system. It shall provide the manufacturer with a visit report and, if tests have been carried out, with a test report.

Conformity marking and declaration of conformity

6

6.1. The manufacturer shall affix the UK marking and the M marking set out in these Regulations, and, under the responsibility of the approved body referred to in paragraph 3.1, the latter's identification number to each individual instrument that satisfies the applicable requirements of these Regulations.

6.2. The manufacturer shall draw up a written declaration of conformity for each instrument model and keep it at the disposal of the market surveillance authorities for 10 years after the

instrument has been placed on the market. The declaration of conformity shall identify the instrument model for which it has been drawn up and shall mention the number of the design examination certificate.

A copy of the declaration of conformity shall be made available to the market surveillance authorities upon request.

A copy of the declaration of conformity shall be supplied with each regulated measuring instrument that is placed on the market. However, this requirement may be interpreted as applying to a batch or consignment rather than individual instruments in those cases where a large number of instruments is delivered to a single user.

7. The manufacturer shall, for a period ending 10 years after the instrument has been placed on the market, keep at the disposal of the market surveillance authorities:

- (a) the documentation concerning the quality system referred to in paragraph 3.1,
- (b) the information relating to the change referred to in paragraph 3.5, as approved;
- (c) the decisions and reports of the approved body referred to in paragraphs 3.5, 5.3 and 5.4.

Authorised representative

8. The manufacturer's authorised representative may lodge the application referred to in paragraphs 4.1 and 4.2 and fulfil the obligations set out in paragraphs 3.1, 3.5, 4.4, 4.6, 6 and 7, on his behalf and under his responsibility, provided that they are specified in the mandate.

SCHEDULE 1C

Regulations 2 and 39(1)

WATER METERS (MI-001) (Annex III to the Directive)

The relevant requirements of Schedule 1A, the specific requirements of this Schedule and the conformity assessment procedures listed in this Schedule, apply to water meters intended for the measurement of volumes of clean, cold or heated water in residential, commercial and light industrial use.

DEFINITIONS

Minimum Flowrate (Q ₁)	The lowest flowrate at which the water meter provides indications that satisfy the requirements concerning the maximum permissible errors (MPEs.)
Transitional Flowrate (Q ₂)	The transitional flowrate is the flowrate value occurring between the permanent and minimum flowrates, at which the flowrate range is divided into two zones, the 'upper zone' and the 'lower zone'. Each zone has a characteristic MPE.
Permanent Flowrate (Q ₃)	The highest flowrate at which the water meter operates in a satisfactory manner under normal conditions of use, i.e. under steady or intermittent flow conditions.
Overload Flowrate (Q ₄)	The overload flowrate is the highest flowrate at which the meter operates in a satisfactory manner for a short period of time without deteriorating.

SPECIFIC REQUIREMENTS

Rated Operating Conditions

The manufacturer shall specify the rated operating conditions for the instrument, in particular:

1. The flowrate range of the water.

The values for the flowrate range shall fulfil the following conditions:

$$Q_3/Q_1 \geq 40$$

$$Q_2/Q_1 = 1.6$$

$$Q_4/Q_3 = 1.25$$

2. The temperature range of the water.

The values for the temperature range shall fulfil the following conditions:

0.1 °C to at least 30 °C

3. The relative pressure range of the water, the range being 0.3 bar to at least 10 bar at Q_3 .

4. For the power supply: the nominal value of the AC voltage supply and/or the limits of DC supply.

MPE

5. The MPE, positive or negative, on volumes delivered at flowrates between the transitional flowrate (Q_2) (included) and the overload flowrate (Q_4) is:

2 % for water having a temperature ≤ 30 °C,

The meter shall not exploit the MPE or systematically favour any party.

6. The MPE, positive or negative, on volumes delivered at flowrates between the minimum flowrate (Q_1) and the transitional flowrate (Q_2) (excluded) is 5 % for water having any temperature.

The meter shall not exploit the MPE or systematically favour any party.

Permissible Effect of Disturbances

Electromagnetic immunity

7

- 7.1.1. The effect of an electromagnetic disturbance on a water meter shall be such that:

- the change in the measurement result is no greater than the critical change value as defined in paragraph 7.1.3, or
- the indication of the measurement result is such that it cannot be interpreted as a valid result, such as a momentary variation that cannot be interpreted, memorised or transmitted as a measuring result.

- 7.1.2. After undergoing an electromagnetic disturbance the water meter shall:

- recover to operate within MPE, and
- have all measurement functions safeguarded, and
- allow recovery of all measurement data present just before the disturbance.

- 7.1.3. The critical change value is the smaller of the two following values:

- the volume corresponding to half of the magnitude of the MPE in the upper zone on the measured volume;

— the volume corresponding to the MPE on the volume corresponding to one minute at flowrate Q_3 .

Durability

7.2. After an appropriate test, taking into account the period of time estimated by the manufacturer, has been performed, the following criteria shall be satisfied:

7.2.1. The variation of the measurement result after the durability test, when compared with the initial measurement result, shall not exceed:

- 3 % of the metered volume between Q_1 included and Q_2 excluded;
- 1.5 % of the metered volume between Q_2 included and Q_4 included.

7.2.2. The error of indication for the volume metered after the durability test shall not exceed:

- ± 6 % of the metered volume between Q_1 included and Q_2 excluded;
- ± 2.5 % of the metered volume between Q_2 included and Q_4 included for water meters intended to meter water with a temperature between 0.1 °C and 30 °C,

Suitability

8.1. The meter shall be able to be installed to operate in any position unless clearly marked otherwise.

8.2. The manufacturer shall specify whether the meter is designed to measure reverse flow. In such a case, the reverse flow volume shall either be subtracted from the cumulated volume or shall be separately recorded. The same MPE shall apply to both forward and reverse flow.

Water meters not designed to measure reverse flow shall either prevent reverse flow or shall withstand an accidental reverse flow without any deterioration or change in metrological properties.

Units of Measurement

9. Metered volume shall be displayed in cubic metres.

Putting into Use

10. The requirements under paragraphs 1, 2 and 3 are determined by the utility or the person legally designated for installing the meter, so that the meter is appropriate for the accurate measurement of consumption that is foreseen or foreseeable.

CONFORMITY ASSESSMENT The conformity assessment procedures specified in the modules in Schedule 1B applicable to water meters that the manufacturer can choose between are:

- (a) B and F;
- (b) B and D; or
- (c) H1.

SCHEDULE 1D

Regulations 2 and 39(1)

GAS METERS (MI-002) (Annex IV to the Directive)

The relevant requirements of Schedule 1A, the specific requirements of this Schedule and the conformity assessment procedures listed in this Schedule, apply to gas meters.

DEFINITIONS

Minimum flowrate (Q_{\min})	The lowest flowrate at which the gas meter provides indications that satisfy the requirements regarding maximum permissible error (MPE).
Maximum flowrate (Q_{\max})	The highest flowrate at which the gas meter provides indications that satisfy the requirements regarding MPE.
Transitional flowrate (Q_t)	The transitional flowrate is the flowrate occurring between the maximum and minimum flowrates at which the flowrate range is divided into two zones, the 'upper zone' and the 'lower zone'. Each zone has a characteristic MPE.
Overload Flowrate (Q_r)	The overload flowrate is the highest flowrate at which the meter operates for a short period of time without deteriorating.
Base conditions	The specified conditions to which the measured quantity of fluid is converted.

PART I**SPECIFIC REQUIREMENTS****GAS METERS****1. Rated operating conditions**

The manufacturer shall specify the rated operating conditions of the gas meter, taking into account:

1.1. The flowrate range of the gas shall fulfil at least the following conditions:

<i>Class</i>	<i>Q_{\max}/Q_{\min}</i>	<i>Q_{\max}/Q_t</i>	<i>Q_r/Q_{\max}</i>
1.5	≥ 150	≥ 10	1.2
1.0	≥ 20	≥ 5	1.2

1.2. The temperature range of the gas, with a minimum range of 40 °C.**The fuel/gas related conditions**

1.3. The gas meter shall be designed for the range of gases and supply pressures of the United Kingdom. In particular the manufacturer shall indicate:

- the gas family or group;
- the maximum operating pressure.

1.4. A minimum temperature range of 50 °C for the climatic environment.

1.5. The nominal value of the AC voltage supply and/or the limits of DC supply.

Maximum permissible error (MPEs)

2

Gas meter indicating the volume at metering conditions or mass

Table 1

Class	1.5	1.0
$Q_{\min} \leq Q < Q_t$	3 %	2 %
$Q_t \leq Q \leq Q_{\max}$	1.5 %	1 %

The gas meter shall not exploit the MPEs or systematically favour any party.

2.2. For a gas meter with temperature conversion, which only indicates the converted volume, the MPE of the meter is increased by 0.5 % in a range of 30 °C extending symmetrically around the temperature specified by the manufacturer that lies between 15 °C and 25 °C. Outside this range, an additional increase of 0.5 % is permitted in each interval of 10 °C.

Permissible effect of disturbances

3

Electromagnetic immunity

3

3.1.1. The effect of an electromagnetic disturbance on a gas meter shall be such that:

- the change in the measurement result is no greater than the critical change value as defined in paragraph 3.1.3, or
- the indication of the measurement result is such that it cannot be interpreted as a valid result, such as a momentary variation that cannot be interpreted, memorised or transmitted as a measuring result.

3.1.2. After undergoing a disturbance, the gas meter shall:

- recover to operate within MPE, and
- have all measurement functions safeguarded, and
- allow recovery of all measurement data present just before the disturbance.

3.1.3. The critical change value is the smaller of the two following values:

- the quantity corresponding to half of the magnitude of the MPE in the upper zone on the measured volume;
- the quantity corresponding to the MPE on the quantity corresponding to one minute at maximum flowrate.

Effect of upstream-downstream flow disturbances

3.2. Under installation conditions specified by the manufacturer, the effect of the flow disturbances shall not exceed one third of the MPE.

Durability

4. After an appropriate test, taking into account the period of time estimated by the manufacturer, has been performed, the following criteria shall be satisfied:

Class 1.5 Gas Meters

4

4.1.1. The variation of the measurement result after the durability test when compared with the initial measurement result for the flow rates in the range Q_t to Q_{max} shall not exceed the measurement result by more than 2 %.

4.1.2. The error of indication after the durability test shall not exceed twice the MPE in paragraph 2.

Class 1.0 Gas Meters

4

4.2.1. The variation of the measurement result after the durability test when compared with the initial measurement result shall not exceed one-third of the MPE in paragraph 2.

4.2.2. The error of indication after the durability test shall not exceed the MPE in paragraph 2.

Suitability

5

5.1. A gas meter powered from the mains (AC or DC) shall be provided with an emergency power supply device or other means to ensure, during a failure of the principal power source, that all measuring functions are safeguarded.

5.2. A dedicated power source shall have a lifetime of at least five years. After 90 % of its lifetime an appropriate warning shall be shown.

5.3. An indicating device shall have a sufficient number of digits to ensure that the quantity passed during 8,000 hours at Q_{max} does not return the digits to their initial values.

5.4. The gas meter shall be able to be installed to operate in any position declared by the manufacturer in its installation instruction.

5.5. The gas meter shall have a test element, which shall enable tests to be carried out in a reasonable time.

5.6. The gas meter shall respect the MPE in any flow direction or only in one flow direction clearly marked.

Units

6. Metered quantity shall be displayed in cubic metre, or in kilogram.

PART II

PUTTING INTO USE AND CONFORMITY ASSESSMENT

7. Putting into use

- (a) The measurement of residential use must be performed by means of any Class 1.5 gas meter, or by Class 1.0 gas meters which have a Q_{\max}/Q_{\min} ratio equal to or greater than 150.
- (b) Measurement of commercial and/or light industrial use must be performed by any Class 1.0 or Class 1.5 gas meter.
- (c) The person responsible for installing a gas meter must have regard to the requirements under paragraphs 1.2 and 1.3 of Part I of this Schedule and must ensure that the gas meter is appropriate for the accurate measurement of consumption that is foreseen or foreseeable.

CONFORMITY ASSESSMENT The conformity assessment procedures specified in the modules in Schedule 1B applicable to gas meters that the manufacturer can choose between are:

- (a) B and F;
- (b) B and D; or
- (c) H1.

SCHEDULE 1E

Regulations 2 and 39(1)

ACTIVE ELECTRICAL ENERGY METERS (MI-003) (Annex V to the Directive)

The relevant requirements of Schedule 1A, the specific requirements of this Schedule and the conformity assessment procedures listed in this Schedule, apply to active electrical energy meters.

Note:

Electrical energy meters may be used in combination with external instrument transformers, depending upon the measurement technique applied. However, this Schedule covers only electrical energy meters but not instrument transformers.

DEFINITIONS

An active electrical energy meter is a device which measures the active electrical energy consumed in a circuit.

I	=	the electrical current flowing through the meter;
I_n	=	the specified reference current for which the transformer operated meter has been designed;
I_{st}	=	the lowest declared value of I at which the meter registers active electrical energy at unity power factor (polyphase meters with balanced load);
I_{min}	=	the value of I above which the error lies within maximum permissible errors (MPEs) (polyphase meters with balanced load);
I_{tr}	=	the value of I above which the error lies within the smallest MPE corresponding to the class index of the meter;
I_{max}	=	the maximum value of I for which the error lies within the MPEs;

Changes to legislation: There are currently no known outstanding effects for the
The Measuring Instruments Regulations 2016. (See end of Document for details)

U	=	the voltage of the electricity supplied to the meter;
U _n	=	the specified reference voltage;
f	=	the frequency of the voltage supplied to the meter;
f _n	=	the specified reference frequency;
PF	=	power factor = cosφ = the cosine of the phase difference φ between I and U.

SPECIFIC REQUIREMENTS

Accuracy

1. The manufacturer shall specify the class index of the meter. The class indices are defined as: Class A, B and C.

Rated operating conditions

2. The manufacturer shall specify the rated operating conditions of the meter; in particular:

The values of f_n, U_n, I_n, I_{st}, I_{min}, I_{tr} and I_{max} that apply to the meter. For the current values specified, the meter shall satisfy the conditions given in Table 1;

Table 1

	<i>Class A</i>	<i>Class B</i>	<i>Class C</i>
For direct-connected meters			
I _{st}	$\leq 0.05 \cdot I_{tr}$	$\leq 0.04 \cdot I_{tr}$	$\leq 0.04 \cdot I_{tr}$
I _{min}	$\leq 0.5 \cdot I_{tr}$	$\leq 0.5 \cdot I_{tr}$	$\leq 0.3 \cdot I_{tr}$
I _{max}	$\geq 50 \cdot I_{tr}$	$\geq 50 \cdot I_{tr}$	$\geq 50 \cdot I_{tr}$
For transformer-operated meters			
I _{st}	$\leq 0.06 \cdot I_{tr}$	$\leq 0.04 \cdot I_{tr}$	$\leq 0.02 \cdot I_{tr}$
I _{min}	$\leq 0.4 \cdot I_{tr}$	$\leq 0.2 \cdot I_{tr}^1$	$\leq 0.2 \cdot I_{tr}$
I _n	$= 20 \cdot I_{tr}$	$= 20 \cdot I_{tr}$	$= 20 \cdot I_{tr}$
I _{max}	$\geq 1.2 \cdot I_n$	$\geq 1.2 \cdot I_n$	$\geq 1.2 \cdot I_n$

¹ For Class B electromechanical meters I_{min} ≤ 0.4 · I_{tr} shall apply.

The voltage, frequency and power factor ranges within which the meter shall satisfy the MPE requirements are specified in Table 2. These ranges shall recognise the typical characteristics of electricity supplied by public distribution systems.

The voltage and frequency ranges shall be at least:

$$0.9 \cdot U_n \leq U \leq 1.1 \cdot U_n$$

$$0.98 \cdot f_n \leq f \leq 1.02 \cdot f_n$$

power factor range at least from cosφ = 0.5 inductive to cosφ = 0.8 capacitive.

MPEs

3. The effects of the various measurands and influence quantities (a, b, c,...) are evaluated separately, all other measurands and influence quantities being kept relatively constant at their reference values. The error of measurement, that shall not exceed the MPE stated in Table 2, is calculated as:

$$\text{Error of measurement} = \sqrt{(a^2 + b^2 + c^2 \dots)}$$

When the meter is operating under varying-load current, the percentage errors shall not exceed the limits given in Table 2.

Table 2

	<i>Operating temperatures</i>			<i>Operating temperatures</i>			<i>Operating temperatures</i>			<i>Operating temperatures</i>		
MPEs in percent at rated operating conditions and defined load current levels and operating temperature												
	Operating temperatures			Operating temperatures			Operating temperatures			Operating temperatures		
	+ 5 °C ... + 30 °C			− 10 °C ... + 5 °C			− 25 °C ... − 10 °C			− 40 °C ... − 25 °C		
				or + 30 °C ... + 40 °C			or + 40 °C ... + 55 °C			or + 55 °C ... + 70 °C		
Meter class	A	B	C	A	B	C	A	B	C	A	B	C
Single phase meter; polyphase meter if operating with balanced loads												
$I_{\min} \leq I < I_{tr}$	3.5	2	1	5	2.5	1.3	7	3.5	1.7	9	4	2
$I_{tr} \leq I < I_{\max}$	3.5	2	0	4.5	2.5	1	7	3.5	1.3	9	4	1.5
Polyphase meter if operating with single phase load												
$I_{tr} \leq I < I_{\max}$	4	2.5	1	5	3	1.3	7	4	1.7	9	4.5	2
, see exception below												
For electromechanical polyphase meters the current range for single-phase load is limited to $5I_{tr} \leq I \leq I_{\max}$												

When a meter operates in different temperature ranges the relevant MPE values shall apply.

The meter shall not exploit the MPEs or systematically favour any party.

4. Permissible effect of disturbances

4.1. General

As electrical energy meters are directly connected to the mains supply and as mains current is also one of the measurands, a special electromagnetic environment is used for electricity meters.

The meter shall comply with the electromagnetic environment E2 and the additional requirements in paragraphs 4.2 and 4.3.

Changes to legislation: There are currently no known outstanding effects for the *The Measuring Instruments Regulations 2016*. (See end of Document for details)

The electromagnetic environment and permissible effects reflect the situation that there are disturbances of long duration which shall not affect the accuracy beyond the critical change values and transient disturbances, which may cause a temporary degradation or loss of function or performance but from which the meter shall recover and shall not affect the accuracy beyond the critical change values.

When there is a foreseeable high risk due to lightning or where overhead supply networks are predominant, the metrological characteristics of the meter shall be protected.

Effect of disturbances of long duration

Table 3

<i>Critical change values for disturbances of long duration</i>			
<i>Disturbance</i>	<i>Critical change values in percent for meters of class</i>		
	<i>A</i>	<i>B</i>	<i>C</i>
Reversed phase sequence	1.5	1.5	0.3
Voltage unbalance (only applicable to polyphase meters)	4	2	1
Harmonic contents in the current circuits	1	0.8	0.5
DC and harmonics in the current circuit	6	3	1.5
Fast transient bursts	6	4	2
Magnetic fields; HF (radiated RF) electromagnetic field; Conducted disturbances introduced by radio-frequency fields; and Oscillatory waves immunity	3	2	1

In the case of electromechanical electricity meters, no critical change values are defined for harmonic contents in the current circuits and for DC and harmonics in the current circuit.

Permissible effect of transient electromagnetic phenomena

4

4.3.1 The effect of an electromagnetic disturbance on an electrical energy meter shall be such that during and immediately after a disturbance:

— any output intended for testing the accuracy of the meter does not produce pulses or signals corresponding to an energy of more than the critical change value,

and in reasonable time after the disturbance the meter shall:

- recover to operate within the MPE limits, and
- have all measurement functions safeguarded, and
- allow recovery of all measurement data present prior to the disturbance, and
- not indicate a change in the registered energy of more than the critical change value.

$$m \cdot U_n \cdot I_{\max} \cdot 10^{-6}$$

(m being the number of measuring elements of the meter, U_n in Volts and I_{\max} in Amps).

4.3.2. For overcurrent the critical change value is 1.5 %.

Suitability

5

5.1. Below the rated operating voltage the positive error of the meter shall not exceed 10 %.

5.2. The display of the total energy shall have a sufficient number of digits to ensure that when the meter is operated for 4,000 hours at full load ($I = I_{\max}$, $U = U_n$ and $PF = 1$) the indication does not return to its initial value and shall not be able to be reset during use.

5.3. In the event of loss of electricity in the circuit, the amounts of electrical energy measured shall remain available for reading during a period of at least 4 months.

Running with no load

5.4. When the voltage is applied with no current flowing in the current circuit (current circuit shall be open circuit), the meter shall not register energy at any voltage between $0.8 \cdot U_n$ and $1.1 U_n$.

Starting

5.5. The meter shall start and continue to register at U_n , $PF = 1$ (polyphase meter with balanced loads) and a current which is equal to I_{st} .

Units

6. The electrical energy measured shall be displayed in kilowatt-hours or in megawatt-hours.

Putting into use

- (a) (a) Subject to sub-paragraph (b), measurement may be performed by means of any active electrical energy meter provided that the temperature range to which an active electrical energy meter is exposed is not wider than the range specified by the manufacturer in relation to that active electrical energy meter in accordance with paragraph 1.3.1 and Table 1 in Schedule 1A to these Regulations.
- (b) Class A active electrical energy meters may not be used when operating outside the temperature range of an upper temperature limit of 30°C to a lower temperature limit of 5°C.
- (c) The person responsible for installing the active electrical energy meter must determine the correct current range and assess the climatic environment.

CONFORMITY ASSESSMENT The conformity assessment procedures specified in the modules in Schedule 1B applicable to active electrical energy meters that the manufacturer can choose between are:

- (a) B and F;
- (b) B and D; or
- (c) H1.

SCHEDULE 1F

Regulations 2 and 39(1)

MEASURING SYSTEMS FOR THE CONTINUOUS AND DYNAMIC MEASUREMENT OF QUANTITIES OF LIQUIDS OTHER THAN WATER (MI-005) (Annex VII to the Directive)

The relevant essential requirements of Schedule 1A, the specific requirements of this Schedule and the conformity assessment procedures listed in this Schedule, apply to measuring systems intended for the continuous and dynamic measurement of quantities (volumes or masses) of liquids other than water. If appropriate, the terms ‘volume, and L’ in this Schedule can be read as: ‘mass and kg’.

DEFINITIONS

Meter	An instrument designed to measure continuously, memorise and display the quantity at metering conditions of liquid flowing through the measurement transducer in a closed, fully charged conduit.
Calculator	A part of a meter that receives the output signals from the measurement transducer(s) and possibly, from associated regulated measuring instruments and displays the measurement results.
Associated Measuring Instrument	An instrument connected to the calculator for measuring certain quantities which are characteristic of the liquid, with a view to make a correction and/or conversion.
Conversion Device	<p>A part of the calculator which by taking account of the characteristics of the liquid (temperature, density, etc.) measured using associated regulated measuring instruments, or stored in a memory, automatically converts:</p> <ul style="list-style-type: none"> — the volume of the liquid measured at metering conditions into a volume at base conditions and/or into mass, or — the mass of the liquid measured at metering conditions into a volume at metering conditions and/or into a volume at base conditions <p><i>Note:</i> A conversion device includes the relevant associated measuring instruments.</p>
Base conditions	The specified conditions to which the measured quantity of liquid at metering conditions is converted.
Measuring System	A system that comprises the meter itself and all devices required to ensure correct measurement or intended to facilitate the measuring operations.
Fuel dispenser	A measuring system intended for the refuelling of motor vehicles, small boats and small aircraft.
Self-service arrangement	An arrangement that allows the customer to use a measuring system for the purpose of obtaining liquid for his own use.
Self-service device	A specific device that is part of a self-service arrangement and which allows one of more measuring systems to perform in this self-service arrangement.
Minimum measured quantity (MMQ)	The smallest quantity of liquid for which the measurement is metrologically acceptable for the measuring system.

Direct indication	The indication, either volume or mass, corresponding to the measure and that the meter is physically capable of measuring.
	<i>Note:</i> The direct indication may be converted into another quantity using a conversion device.
Interruptible/non-interruptible	A measuring system is considered as interruptible/non-interruptible when the liquid flow can/cannot be stopped easily and rapidly.
Flowrate range	The range between the minimum flowrate (Q_{\min}) and maximum flowrate (Q_{\max}).

SPECIFIC REQUIREMENTS

Rated operating conditions

1. The manufacturer shall specify the rated operating conditions for the instrument, in particular;

The flowrate range

- 1.1. The flowrate range is subject to the following conditions:
 - (i) the flowrate range of a measuring system shall be within the flowrate range of each of its elements, in particular the meter.
 - (ii) meter and measuring system:

Table 1

<i>Specific measuring system</i>	<i>Characteristic liquid</i>	<i>of Minimum ratio of Q_{\max}: Q_{\min}</i>
Fuel dispensers	Not Liquefied gases	10: 1
	Liquefied gases	5: 1
Measuring system	Cryogenic liquids	5: 1
Measuring systems on pipeline and systems for loading ships	All liquids	Suitable for use
All other measuring systems	All liquids	4: 1

- 1.2. The properties of the liquid to be measured by the instrument by specifying the name or type of the liquid or its relevant characteristics, for example:

- Temperature range;
- Pressure range;
- Density range;
- Viscosity range.

- 1.3. The nominal value of the AC voltage supply and/or limits of the DC voltage supply.

- 1.4. The base conditions for converted values.

This is without prejudice to the Secretary of State's obligations to require use of a temperature of 15 °C in accordance with section 12(1) of the Finance Act 1993.

Accuracy classification and maximum permissible errors (MPEs)

2

2.1. For quantities equal to or greater than 2 litres the MPE on indications is:

Table 2

	<i>Accuracy Class</i>				
	Accuracy Class				
	0.3	0.5	1.0	1.5	2.5
Measuring systems (A)	0.3 %	0.5 %	1.0 %	1.5 %	2.5 %
Meters (B)	0.2 %	0.3 %	0.6 %	1.0 %	1.5 %

2.2. For quantities less than two litres the MPE on indications is:

Table 3

<i>Measured volume V</i>	<i>MPE</i>
$V < 0.1 \text{ L}$	$4 \times$ value in Table 2, applied to 0.1 L
$0.1 \text{ L} \leq V < 0.2 \text{ L}$	$4 \times$ value in Table 2
$0.2 \text{ L} \leq V < 0.4 \text{ L}$	$2 \times$ value in Table 2, applied to 0.4 L
$0.4 \text{ L} \leq V < 1 \text{ L}$	$2 \times$ value in Table 2
$1 \text{ L} \leq V < 2 \text{ L}$	Value in Table 2, applied to 2 L

2.3. However, no matter what the measured quantity may be, the magnitude of the MPE is given by the greater of the following two values:

- the absolute value of the MPE given in Table 2 or Table 3,
- the absolute value of the MPE for the minimum measured quantity (E_{\min}).

2.4.1 For minimum measured quantities greater than or equal to 2 litres the following conditions apply:

Condition 1

E_{\min} shall fulfil the condition: $E_{\min} \geq 2 R$, where R is the smallest scale interval of the indication device.

Condition 2

E_{\min} is given by the formula: $E_{\min} = (2MMQ) \times (A/100)$ where:

- MMQ is the minimum measured quantity,
- A is the numerical value specified in line A of Table 2.

2.4.2. For minimum measured quantities of less than two litres, the above mentioned condition 1 applies and E_{\min} is twice the value specified in Table 3, and related to line A of Table 2.

Converted indication

2.5. In the case of a converted indication the MPEs are as in line A of Table 2.

Conversion devices

2.6. MPEs on converted indications due to a conversion device are equal to $\pm (A - B)$, A and B being the values specified in Table 2.

Parts of conversion devices that can be tested separately

(a) Calculator

MPEs on quantities of liquid indications applicable to calculation, positive or negative, are equal to one-tenth of the MPEs as defined in line A of Table 2.

(b) Associated regulated measuring instruments

Associated regulated measuring instruments shall have an accuracy at least as good as the values in Table 4:

Table 4

MPE on Measurements	Accuracy classes of the measuring system				
	0.3	0.5	1.0	1.5	2.5
Temperature	$\pm 0.3\text{ }^{\circ}\text{C}$	$\pm 0.5\text{ }^{\circ}\text{C}$			$\pm 1.0\text{ }^{\circ}\text{C}$
Pressure	Less than 1 MPa: $\pm 50\text{ kPa}$ From 1 to 4 MPa: $\pm 5\%$ Over 4 MPa: $\pm 200\text{ kPa}$				
Density	$\pm 1\text{ kg/m}^3$		$\pm 2\text{ kg/m}^3$		$\pm 5\text{ kg/m}^3$

These values apply to the indication of the characteristic quantities of the liquid displayed by the conversion device.

(c) Accuracy for calculating function

The MPE for the calculation of each characteristic quantity of the liquid, positive or negative, is equal to two fifths of the value fixed in (b).

2.7. The requirement (a) in paragraph 2.6 applies to any calculation, not only conversion.

2.8. The measuring system shall not exploit the MPEs or systematically favour any party.

Maximum permissible effect of disturbances

3

3.1. The effect of an electromagnetic disturbance on a measuring system shall be one of the following:

- the change in the measurement result is not greater than the critical change value as defined in paragraph 3.2, or
- the indication of the measurement result shows a momentary variation that cannot be interpreted, memorised or transmitted as a measuring result. Furthermore, in the case of an interruptible system, this can also mean the impossibility to perform any measurement, or

Changes to legislation: There are currently no known outstanding effects for the *The Measuring Instruments Regulations 2016*. (See end of Document for details)

— the change in the measurement result is greater than the critical change value, in which case the measuring system shall permit the retrieval of the measuring result just before the critical change value occurred and cut off the flow.

3.2. The critical change value is the greater of $MPE/5$ for a particular measured quantity or E_{min} .

Durability

4. After an appropriate test, taking into account the period of time estimated by the manufacturer, has been performed, the following criterion shall be satisfied:

The variation of the measurement result after the durability test, when compared with the initial measurement result, shall not exceed the value for meters specified in line B of table 2.

Suitability

5

5.1. For any measured quantity relating to the same measurement, the indications provided by various devices shall not deviate one from another by more than one scale interval where devices have the same scale interval. In the case where the devices have different scale intervals, the deviation shall not be more than that of the greatest scale interval.

However, in the case of a self-service arrangement the scale intervals of the main indicating device on the measuring system and the scale intervals of the self-service device shall be the same and results of measurement shall not deviate one from another.

5.2. It shall not be possible to divert the measured quantity in normal conditions of use unless it is readily apparent.

5.3. Any percentage of air or gas not easily detectable in the liquid shall not lead to a variation of error greater than:

- 0.5 % for liquids other than potable liquids and for liquids of a viscosity not exceeding 1 mPa.s, or
- 1 % for potable liquids and for liquids of a viscosity exceeding 1 mPa.s.

However, the allowed variation shall never be smaller than 1 % of MMQ. This value applies in the case of air or gas pockets.

Instruments for direct sales

5

5.4.1. A measuring system for direct sales shall be provided with means for resetting the display to zero.

It shall not be possible to divert the measured quantity.

5.4.2. The display of the quantity on which the transaction is based shall be permanent until all parties in the transaction have accepted the measurement result.

5.4.3. Measuring systems for direct sales shall be interruptible.

5.4.4. Any percentage of air or gas in the liquid shall not lead to a variation of error greater than the values specified in paragraph 5.3.

Fuel Dispensers

5

5.5.1. Displays on fuel dispensers shall not be capable of being reset to zero during a measurement.

5.5.2. The start of a new measurement shall be inhibited until the display has been reset to zero.

5.5.3. Where a measuring system is fitted with a price display, the difference between the indicated price and the price calculated from the unit price and the indicated quantity shall not exceed the price corresponding to E_{\min} . However this difference need not be less than the smallest monetary value.

Power supply failure

6. A measuring system shall either be provided with an emergency power supply device that will safeguard all measuring functions during the failure of the main power supply device or be equipped with means to save and display the data present in order to permit the conclusion of the transaction in progress and with means to stop the flow at the moment of the failure of the main power supply device.

Putting into use

Table 5

<i>Accuracy class</i>	<i>Types of Measuring system</i>
0.3	Measuring systems on pipeline
0.5	All measuring systems if not differently stated elsewhere in this Table, in particular: fuel dispensers (not for liquefied gases), measuring systems on road tankers for liquids of low viscosity (< 20 mPa.s)
1.0	Measuring systems for liquefied gases under pressure measured at a temperature equal to or above – 10 °C Measuring systems normally in class 0.3 or 0.5 but used for liquids whose temperature is less than – 10 °C or greater than 50 °C whose dynamic viscosity is higher than 1,000 mPa.s whose maximum volumetric flowrate is not higher than 20 L/h
1.5	Measuring systems for liquefied gases under pressure measured at a temperature below – 10 °C (other than cryogenic liquids)
2.5	Measuring systems for cryogenic liquids (temperature below – 153 °C)

Units of measurement

8. The metered quantity shall be displayed in millilitres, cubic centimetres, litres, cubic metres, grams, kilograms or tonnes.

CONFORMITY ASSESSMENT The conformity assessment procedures specified in the modules in Schedule 1B applicable to measuring systems for the continuous and dynamic measurement of quantities of liquids other than water that the manufacturer can choose between are:

- (a) B and F;
- (b) B and D;

- (c) H1; or
- (d) G.

SCHEDULE 1G

Regulations 2 and 39(1)

AUTOMATIC WEIGHING INSTRUMENTS (MI-006) (Annex VIII to the Directive)

The relevant essential requirements of Schedule 1A, the specific requirements of this Schedule and the conformity assessment procedures listed in Chapter I of this Schedule, apply to automatic weighing instruments defined below, intended to determine the mass of a body by using the action of gravity on that body.

DEFINITIONS

Automatic weighing instrument	An instrument that determines the mass of a product without the intervention of an operator and follows a predetermined programme of automatic processes characteristic of the instrument.
Automatic catchweigher	An automatic weighing instrument that determines the mass of pre-assembled discrete loads (for example prepackages) or single loads of loose material.
Weight labeller	An automatic catchweigher that labels individual articles with the weight value.
Weight/price labeller	An automatic catchweigher that labels individual articles with the weight value, and price information.
Automatic gravimetric filling instrument	An automatic weighing instrument that fills containers with a predetermined and virtually constant mass of product from bulk.
Discontinuous totaliser (totalising hopper weigher)	An automatic weighing instrument that determines the mass of a bulk product by dividing it into discrete loads. The mass of each discrete load is determined in sequence and summed. Each discrete load is then delivered to bulk.
Continuous totaliser	An automatic weighing instrument that continuously determines the mass of a bulk product on a conveyor belt, without systematic subdivision of the product and without interrupting the movement of the conveyor belt.
Rail-weighbridge	An automatic weighing instrument having a load receptor inclusive of rails for conveying railway vehicles.

SPECIFIC REQUIREMENTS

CHAPTER I

Requirements common to all types of automatic weighing instruments

Rated Operating Conditions

1. The manufacturer shall specify the rated operating conditions for the instrument as follows:

1.1. For the measurand:

The measuring range in terms of its maximum and minimum capacity.

1.2. For the electrical supply influence quantities:

In case of AC voltage :	the nominal AC voltage supply, or the AC voltage limits. supply
In case of DC voltage :	the nominal and minimum DC voltage supply, or the DC voltage supply limits.

1.3. For the mechanical and climatic influence quantities:

The minimum temperature range is 30 °C unless specified otherwise in the following chapters of this Schedule.

The mechanical environment classes according to Schedule 1A, paragraph 1.3.2 are not applicable. For instruments which are used under special mechanical strain, e.g. instruments incorporated into vehicles, the manufacturer shall define the mechanical conditions of use.

1.4 For other influence quantities (if applicable):

The rate(s) of operation.

The characteristics of the product(s) to be weighed.

2. Permissible effect of disturbances — Electromagnetic environment

The required performance and the critical change value are given in the relevant Chapter of this Schedule for each type of instrument.

Suitability

3

3.1. Means shall be provided to limit the effects of tilt, loading and rate of operation such that maximum permissible errors (MPEs) are not exceeded in normal operation.

3.2. Adequate material handling facilities shall be provided to enable the instrument to respect the MPEs during normal operation.

3.3. Any operator control interface shall be clear and effective.

3.4. The integrity of the display (where present) shall be verifiable by the operator.

3.5. Adequate zero setting capability shall be provided to enable the instrument to respect the MPEs during normal operation.

3.6. Any result outside the measurement range shall be identified as such, where a printout is possible.

Conformity assessment

4. The conformity assessment procedures specified in the modules in Schedule 1B applicable to automatic weighing instruments that the manufacturer can choose between are:

(a) For mechanical systems:

(i) B and D;

(ii) B and E;

(iii) B and F;

Changes to legislation: There are currently no known outstanding effects for the *The Measuring Instruments Regulations 2016*. (See end of Document for details)

- (iv) D1;
 - (v) F1;
 - (vi) G; or
 - (vii) H1.
- (b) For electromechanical instruments:
- (i) B and D;
 - (ii) B and E;
 - (iii) B and F;
 - (iv) G; or
 - (v) H1.
- (c) For electronic systems or systems containing software:
- (i) B and D;
 - (ii) B and F;
 - (iii) G; or
 - (iv) H1.

CHAPTER II

Automatic Catchweighers

1. These categories are divided into four accuracy classes:
Y(I), Y(II), Y(a) & Y(b)

which shall be specified by the manufacturer.

MPE

2

2.1. MPE Category Y instruments

Table 1

<i>Net Load (m) in verification scale intervals (e)</i>				<i>Maximum permissible mean error Static</i>	<i>Maximum permissible error Automatic</i>
<i>Y(I)</i>	<i>Y(II)</i>	<i>Y(a)</i>	<i>Y(b)</i>		
0 < m ≤ 50,000	0 < m ≤ 5,000	0 < m ≤ 500	0 < m ≤ 50	± 0.5 e	± 1 e
50,000 < m ≤ 200,000	5,000 < m ≤ 20,000	500 < m ≤ 2,000	50 < m ≤ 200	± 1.0 e	± 1.5 e
200,000 < m	20,000 < m ≤ 100,000	2,000 < m ≤ 10,000	200 < m ≤ 1,000	± 1.5	± 2 e

Verification scale interval — single interval instruments

Table 2

<i>Accuracy classes</i>		<i>Verification scale interval</i>	Number of verification scale intervals $n = \text{Max}/e$	
			<i>Minimum</i>	<i>Maximum</i>
			Minimum	Maximum
XI	Y(I)	$0.001 \text{ g} \leq e$	50,000	
XII	Y(II)	$0.001 \text{ g} \leq e \leq 0.05 \text{ g}$	100	100,000
		$0.1 \text{ g} \leq e$	5,000	100,000
XIII	Y(a)	$0.1 \text{ g} \leq e \leq 2 \text{ g}$	100	10,000
		$5 \text{ g} \leq e$	500	10,000
XIII	Y(b)	$5 \text{ g} \leq e$	100	1,000

Verification scale interval — multi-interval instruments

Table 3

<i>Verification scale interval</i>		Number of verification scale intervals $n = \text{Max}/e$	
		Minimum value¹ $n = \text{Max}_i / e_{(i+1)}$ For $i = r$ the corresponding column of Table 2 applies with e replaced by e_r .	Maximum value $n = \text{Max}_i / e_i$
Y(I)	$0.001 \text{ g} \leq e_i$	50,000	
Y(II)	$0.001 \text{ g} \leq e_i \leq 0.05 \text{ g}$	5,000	100,000
	$0.1 \text{ g} \leq e_i$	5,000	100,000
Y(a)	$0.1 \text{ g} \leq e_i$	500	10,000
Y(b)	$5 \text{ g} \leq e_i$	50	1 000

¹ For $i = r$ the corresponding column of Table 2 applies with e replaced by e_r .

Where:

- $i = 1, 2, \dots, r$
- $i =$ partial weighing range
- $r =$ total number of partial ranges

Measurement Range

3. In specifying the measurement range for class Y instruments the manufacturer shall take account that the minimum capacity shall not be less than:

class Y(I)	:	100 e
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class Y(II)	:	20 e for $0.001\text{ g} \leq e \leq 0.05\text{ g}$, and 50 e for $0.1\text{ g} \leq e$
class Y(a)	:	20 e
class Y(b)	:	10 e
Scales used for grading, e.g. postal scales and garbage weighers	:	5 e

Dynamic Setting

4

4.1. The dynamic setting facility shall operate within a load range specified by the manufacturer.

4.2. When fitted, a dynamic setting facility that compensates for the dynamic effects of the load in motion shall be inhibited from operating outside the load range, and shall be capable of being secured.

Performance Under Influence Factors And Electromagnetic Disturbances

5

5.1. The MPEs due to influence factors are:

5.1.1. For category Y instruments

- For each load in automatic operation; as specified in Table 1,
- For static weighing in non-automatic operation; as specified in Table 1.

5.1.2. The critical change value due to a disturbance is one verification scale interval.

5.2. Temperature range:

- For class Y(I) the minimum range is 5 °C,
- For class Y(II) the minimum range is 15 °C.

CHAPTER III

Automatic Gravimetric Filling Instruments

Accuracy classes

1

1.1. The manufacturer shall specify both the reference accuracy class $\text{Ref}(x)$ and the operational accuracy class(es) $X(x)$.

1.2. An instrument type is designated a reference accuracy class, $\text{Ref}(x)$, corresponding to the best possible accuracy for instruments of the type. After installation, individual instruments are designated for one or more operational accuracy classes, $X(x)$, having taken account of the specific products to be weighed. The class designation factor (x) shall be ≤ 2 , and in the form 1×10^k , 2×10^k or 5×10^k where k is a negative whole number or zero.

1.3. The reference accuracy class, $\text{Ref}(x)$ is applicable for static loads.

1.4. For the operational accuracy class $X(x)$, X is a regime relating accuracy to load weight and (x) is a multiplier for the limits of error specified for class $X(1)$ in paragraph 2.2.

MPE

2

Static weighing error

2

2.1.1. For static loads under rated operating conditions, the MPE for reference accuracy class Ref(x), shall be 0.312 of the maximum permissible deviation of each fill from the average; as specified in Table 5; multiplied by the class designation factor (x).

2.1.2. For instruments where the fill may be made up from more than one load (e.g. cumulative or selective combination weighers) the MPE for static loads shall be the accuracy required for the fill as specified in paragraph 2.2 (i.e. not the sum of the maximum permissible deviation for the individual loads).

Deviation from average fill

Table 4

<i>Value of the mass, m (g), of the fills</i>	<i>Maximum permissible deviation of each fill from the average for class X(1)</i>
$m \leq 50$	7.2 %
$50 < m \leq 100$	3.6 g
$100 < m \leq 200$	3.6 %
$200 < m \leq 300$	7.2 g
$300 < m \leq 500$	2.4 %
$500 < m \leq 1,000$	12 g
$1,000 < m \leq 10,000$	1.2 %
$10,000 < m \leq 15,000$	120 g
$15,000 < m$	0.8 %

Note:

The calculated deviation of each fill from the average may be adjusted to take account for the effect of material particle size.

Error relative to pre-set value (setting error)

2.3. For instruments where it is possible to pre-set a fill weight; the maximum difference between the pre-set value and the average mass of the fills shall not exceed 0.312 of the maximum permissible deviation of each fill from the average, as specified in Table 4.

Performance Under Influence Factor And Electromagnetic Disturbance

3

3.1. The MPE due to influence factors shall be as specified in paragraph 2.1.

Changes to legislation: There are currently no known outstanding effects for the *The Measuring Instruments Regulations 2016*. (See end of Document for details)

3.2. The critical change value due to a disturbance is a change of the static weight indication equal to the MPE as specified in paragraph 2.1 calculated for the rated minimum fill, or a change that would give equivalent effect on the fill in the case of instruments where the fill consists of multiple loads. The calculated critical change value shall be rounded to the next higher scale interval (d).

3.3. The manufacturer shall specify the value of the rated minimum fill.

CHAPTER IV

Discontinuous Totalisers

1. Accuracy Classes

Instruments are divided into four accuracy classes as follows: 0.2; 0.5; 1; 2.

2. MPEs

Table 5

<i>Accuracy class</i>	<i>MPE of totalised load</i>
0.2	$\pm 0.10 \%$
0.5	$\pm 0.25 \%$
1	$\pm 0.50 \%$
2	$\pm 1.00 \%$

Totalisation scale interval

3. The totalisation scale interval (dt) shall be in the range: $0.01 \% \text{ Max} \leq d_t \leq 0.2 \% \text{ Max}$

Minimum Totalised Load (Σ_{\min})

4. The minimum totalised load (Σ_{\min}) shall be not less than the load at which the MPE is equal to the totalisation scale interval (dt) and not less than the minimum load as specified by the manufacturer.

Zero Setting

5. Instruments that do not tare weigh after each discharge shall have a zero setting device. Automatic operation shall be inhibited if zero indication varies by:

- $1 d_t$ on instruments with automatic zero setting device;
- $0.5 d_t$ on instruments with a semi-automatic, or non-automatic, zero setting device

Operator Interface

6. Operator adjustments and reset function shall be inhibited during automatic operation.

Printout

7. On instruments equipped with a printing device, the reset of the total shall be inhibited until the total is printed. The printout of the total shall occur if automatic operation is interrupted.

Performance under influence factors and electromagnetic disturbances

8

8.1. The MPEs due to influence factors shall be as specified in Table 6.

Table 6

<i>Load (m) in totalisation scale intervals (d_t)</i>	<i>MPE</i>
$0 < m \leq 500$	$\pm 0.5 d_t$
$500 < m \leq 2,000$	$\pm 1.0 d_t$
$2,000 < m \leq 10,000$	$\pm 1.5 d_t$

8.2. The critical change value due to a disturbance is one totalisation scale interval for any weight indication and any stored total.

CHAPTER V

Accuracy classes

1. Instruments are divided into three accuracy classes as follows: 0.5; 1; 2.

Measurement Range

2

2.1. The manufacturer shall specify the measurement range, the ratio between the minimum net load on the weighing unit and the maximum capacity, and the minimum totalised load.

2.2. The minimum totalised load Σ_{\min} shall not be less than

800 d for class 0.5,

400 d for class 1,

200 d for class 2.

Where d is the totalisation scale interval of the general totalisation device.

MPE

Table 7

<i>Accuracy class</i>	<i>MPE for totalised load</i>
0.5	$\pm 0.25 \%$
1	$\pm 0.5 \%$
2	$\pm 1.0 \%$

Speed of the belt

4. The speed of the belt shall be specified by the manufacturer. For single-speed beltweighers, and variable-speed beltweighers having a manual speed setting control, the speed shall not vary by more than 5 % of the nominal value. The product shall not have a different speed than the speed of the belt.

General Totalisation Device

5. It shall not be possible to reset the general totalisation device to zero.

Performance under influence factors and electromagnetic disturbances

6

6.1. The MPE due to influence factor, for a load not less than the Σ_{\min} , shall be 0.7 times the appropriate value specified in Table 7, rounded to the nearest totalisation scale interval (d).

6.2. The critical change value due to a disturbance shall be 0.7 times the appropriate value specified in Table 7, for a load equal to Σ_{\min} , for the designated class of the beltweigher; rounded up to the next higher totalisation scale interval (d).

CHAPTER VI

Automatic Rail Weighbridges

Accuracy classes

1. Instruments are divided into four accuracy classes as follows: 0.2; 0.5; 1; 2.

MPE

2

- 2.1. The MPEs for weighing-in-motion of a single wagon or a total train are shown in Table 8.

Table 8

<i>Accuracy class</i>	<i>MPE</i>
0.2	$\pm 0.1 \%$
0.5	$\pm 0.25 \%$
1	$\pm 0.5 \%$
2	$\pm 1.0 \%$

2.2. The MPEs for the weight of coupled or uncoupled wagons weighing-in-motion shall be one of the following values, whichever is the greatest:

- the value calculated according to Table 8, rounded to the nearest scale interval;
- the value calculated according to Table 8, rounded to the nearest scale interval for a weight equal to 35 % of the maximum wagon weight (as inscribed on the descriptive markings);
- one scale interval (d).

2.3. The MPEs for the weight of train weighing-in-motion shall be one of the following values, whichever is the greatest:

- the value calculated according to Table 9, rounded to the nearest scale interval;
- the value calculated according to Table 9, for the weight of a single wagon equal to 35 % of the maximum wagon weight (as inscribed on the descriptive markings) multiplied by the number of reference wagons (not exceeding 10) in the train, and rounded to the nearest scale interval;
- one scale interval (d) for each wagon in the train, but not exceeding 10 d.

2.4. When weighing coupled wagons; the errors of not more than 10 % of the weighing results taken from one or more passes of the train may exceed the appropriate MPE given in paragraph 2.2, but shall not exceed twice the MPE.

Scale interval (d)

3. The relationship between the accuracy class and the scale interval shall be as specified in Table 9.

Table 9

<i>Accuracy class</i>	<i>Scale interval (d)</i>
0.2	$d \leq 50 \text{ kg}$
0.5	$d \leq 100 \text{ kg}$
1	$d \leq 200 \text{ kg}$
2	$d \leq 500 \text{ kg}$

Measurement range

4

4.1. The minimum capacity shall not be less than 1 t, and not greater than the value of the result of the minimum wagon weight divided by the number of partial weighings.

4.2. The minimum wagon weight shall not be less than 50 d.

Performance under influence factor and electromagnetic disturbance

5

5.1. The MPE due to an influence factor shall be as specified in Table 10.

Table 10

Load (m) in verification scale intervals (d)	MPE
$0 < m \leq 500$	$\pm 0.5 \text{ d}$
$500 < m \leq 2,000$	$\pm 1.0 \text{ d}$
$2,000 < m \leq 10,000$	$\pm 1.5 \text{ d}$

5.2. The critical change value due to a disturbance is one scale interval.

SCHEDULE 1H

Regulations 2 and 39(1)

TAXIMETERS (MI-007) (Annex IX to the Directive)

The relevant requirements of Schedule 1A, the specific requirements of this Schedule and the conformity assessment procedures listed in this Schedule apply to taximeters.

DEFINITIONS

Appropriate Licensing Authority

Within this Schedule, “appropriate licensing authority” means –

- (a) in relation to the area to which the Metropolitan Public Carriage Act 1869 applies, Transport for London;
- (b) in relation to any other area in England and Wales, the authority responsible for licensing taxis in that area;
- (c) in relation to Scotland, the district or islands council responsible for licensing taxis in that area;
- (d) and in relation to Northern Ireland, the Department of the Environment for Northern Ireland.

Taximeter

A device that works together with a signal generator to make a regulated measuring instrument.

This device measures duration, calculates distance on the basis of a signal delivered by the distance signal generator. Additionally, it calculates and displays the fare to be paid for a trip on the basis of the calculated distance and/or the measured duration of the trip.

Fare

The total amount of money due for a trip based on a fixed initial hire fee and/or the length and/or the duration of the trip. The fare does not include a supplement charged for extra services.

Cross-over speed

The speed value found by division of a time tariff value by a distance tariff value.

Normal calculation mode S (single application of tariff)

Fare calculation based on application of the time tariff below the cross-over speed and application of the distance tariff above the cross-over speed.

Normal calculation mode D (double application of tariff)

Fare calculation based on simultaneous application of time tariff and distance tariff over the whole trip.

Operating position

The different modes in which a taximeter fulfils the different parts of its functioning. The operating positions are distinguished by the following indications:

‘For Hire’	:	The operating position in which the fare calculation is disabled
‘Hired’	:	The operating position in which the fare calculation takes place on the basis of a possible initial charge and a tariff for distance travelled and/or time of the trip
‘Stopped’	:	The operating position in which the fare due for the trip is indicated and at least the fare calculation based on time is disabled.

DESIGN REQUIREMENTS

1. The taximeter shall be designed to calculate the distance and to measure the duration of a trip.
2. The taximeter shall be designed to calculate and display the fare, incrementing in steps equal to the resolution fixed by the appropriate licensing authority in the operation position ‘Hired’. The taximeter shall also be designed to display the final value for the trip in the operation position ‘Stopped’.
3. A taximeter shall be able to apply the normal calculation modes S and D. It shall be possible to choose between these calculation modes by a secured setting.
4. A taximeter shall be able to supply the following data through an appropriate secured interface(s):
 - operation position: ‘For Hire’, ‘Hired’ or ‘Stopped’;
 - totaliser data according to paragraph 15.1;
 - general information: constant of the distance signal generator, date of securing, taxi identifier, real time, identification of the tariff;
 - fare information for a trip: total charged, fare, calculation of the fare, supplement charge, date, start time, finish time, distance travelled;
 - tariff(s) information: parameters of tariff(s).

Where a device is required to be connected to the interface(s) of a taximeter, it shall be possible, by way of a secured setting, to inhibit automatically the operation of the taximeter for reasons of the non-presence or improper functioning of the required device.

5. If relevant, it shall be possible to adjust a taximeter for the constant of the distance signal generator to which it is to be connected and to secure the adjustment.

RATED OPERATING CONDITIONS

- 6.1. The mechanical environment class that applies is M3.
- 6.2. The manufacturer shall specify the rated operating conditions for the instrument, in particular:
 - a minimum temperature range of 80 °C for the climatic environment;
 - the limits of the DC power supply for which the instrument has been designed.

MAXIMUM PERMISSIBLE ERRORS (MPEs)

7. The MPE, excluding any errors due to application of the taximeter in a taxi, are:

- For the time elapsed: $\pm 0.1\%$
- minimum value of mpe: 0.2 s;
- minimum value of mpe: 4 m;
- minimum, including rounding: corresponding to the least significant digit of the fare indication.

PERMISSIBLE EFFECT OF DISTURBANCES

8. Electromagnetic immunity

8.1. The electromagnetic class that applies is E3.

8.2. The MPE laid down in paragraph 7 shall also be respected in the presence of an electromagnetic disturbance. **POWER SUPPLY FAILURE**

9. In case of a reduction of the voltage supply to a value below the lower operating limit as specified by the manufacturer, the taximeter shall:

- continue to work correctly or resume its correct functioning without loss of data available before the voltage drop if the voltage drop is temporary, i.e. due to restarting the engine;
- abort an existing measurement and return to the position 'For Hire' if the voltage drop is for a longer period.

OTHER REQUIREMENTS

10. The conditions for the compatibility between the taximeter and the distance signal generator shall be specified by the manufacturer of the taximeter.

11. If there is a supplement charge for an extra service, entered by the driver on manual command, this shall be excluded from the fare displayed. However, in that case a taximeter may display temporarily the value of the fare including the supplementary charge.

12. If the fare is calculated according to calculation mode D a taximeter may have an additional display mode in which only the total distance and duration of the trip are displayed in real time.

13. All values displayed for the passenger shall be suitably identified. These values as well as their identification shall be clearly readable under daylight and night conditions.

14.1. If the fare to be paid or the measures to be taken against fraudulent use can be affected by the choice of functionality from a pre-programmed setting or by free data setting, it shall be possible to secure the instrument settings and data entered.

14.2. The securing possibilities available in a taximeter shall be such that separate securing of the settings is possible.

14.3. The provisions in paragraph 8.3 of Schedule 1A apply also to the tariffs.

15.1. A taximeter shall be fitted with non-resettable totalisers for all of the following values:

- The total distance travelled by the taxi;
- The total distance travelled when hired;
- The total number of hirings;
- The total amount of money charged as supplements;
- The total amount of money charged as fare.

The totalised values shall include the values saved according to paragraph 9 under conditions of loss of power supply.

15.2. If disconnected from power, a taximeter shall allow the totalised values to be stored for one year for the purpose of reading out the values from the taximeter to another medium.

15.3. Adequate measures shall be taken to prevent the display of totalised values from being used to deceive passengers.

16. Automatic change of tariffs is allowed due to the:

- distance of the trip;
- duration of the trip;
- time of the day;
- date;
- day of the week.

17. If properties of the taxi are important for the correctness of the taximeter, the taximeter shall provide means to secure the connection of the taximeter to the taxi in which it is installed.

18. For the purpose of testing after installation, the taximeter shall be equipped with the possibility to test separately the accuracy of time and distance measurement and the accuracy of the calculation.

19. A taximeter and its installation instructions specified by the manufacturer shall be such that, if installed according to the manufacturer's instructions, fraudulent alterations of the measurement signal representing the distance travelled are sufficiently excluded.

20. The general essential requirement dealing with fraudulent use shall be fulfilled in such a way that the interests of the customer, the driver, the driver's employer and the fiscal authorities are protected.

21. A taximeter shall be designed so that it can respect the MPEs without adjustment during a period of one year of normal use.

22. The taximeter shall be equipped with a real-time clock by means of which the time of the day and the date are kept, one or both can be used for automatic change of tariffs. The requirements for the real-time clock are:

- the timekeeping shall have an accuracy of 0.02 %;
- the correction possibility of the clock shall be not more than 2 minutes per week. Correction for summer and wintertime shall be performed automatically;
- correction, automatic or manually, during a trip shall be prevented.

23. The values of distance travelled and time elapsed, when displayed or printed in accordance with these Regulations, shall use the following units:

Distance travelled:

- kilometres;
- miles.

Time elapsed:

— seconds, minutes or hours, as may be suitable; keeping in mind the necessary resolution and the need to prevent misunderstandings.

CONFORMITY ASSESSMENT The conformity assessment procedures specified in the modules in Schedule 1B applicable to taximeters that the manufacturer can choose between are:

- (a) B and F;
- (b) B and D; or
- (c) H1.

SCHEDULE 1I

Regulations 2 and 39(1)

MATERIAL MEASURES (MI-008) (Annex X to the Directive)

CHAPTER 1

Material measures of length

The relevant essential requirements of Schedule 1A, the specific requirements of this Schedule and the conformity assessment procedures listed in this chapter, apply to material measures of length defined below. However, the requirement for the supply of a copy of declarations of conformity may be interpreted as applying to a batch or consignment rather than each individual instrument.

SPECIFIC REQUIREMENTS

Reference Conditions

- 1.1. For tapes of length equal to or greater than 5 metres, the maximum permissible errors (MPEs) are to be met when a tractive force of fifty newtons or other force values as specified by the manufacturer and marked on the tape accordingly, or in the case of rigid or semi-rigid measures no tractive force is needed, is applied.
- 1.2. The reference temperature is 20 °C unless otherwise specified by the manufacturer and marked on the measure accordingly.

MPEs

2. The MPE, positive or negative in mm, between two non-consecutive scale marks is $(a + bL)$, where:
- L is the value of the length rounded up to the next whole metre; and
 - a and b are given in Table 1 below.

When a terminal interval is bounded by a surface, the MPE for any distance beginning at this point is increased by the value c given in Table 1.

Table 1

<i>Accuracy Class</i>	<i>a(mm)</i>	<i>b</i>	<i>c(mm)</i>
I	0.1	0.1	0.1
II	0.3	0.2	0.2
III	0.6	0.4	0.3

The MPE for the length between consecutive scale marks, and the maximum permissible difference between two consecutive intervals, are given in Table 2 below.

Table 2

<i>Length i of the interval</i>	<i>MPE or difference in millimetres according to accuracy class</i>		
	I	II	III

$i \leq 1 \text{ mm}$	0.1	0.2	0.3
$1 \text{ mm} < i \leq 1 \text{ cm}$	0.2	0.4	0.6

Where a rule is of the folding type, the jointing shall be such as not to cause any errors, supplementary to those above, exceeding: 0.3 mm for Class II, and 0.5 mm for Class III.

Materials

3.1. Materials used for material measures shall be such that length variations due to temperature excursions up to $\pm 8 \text{ }^{\circ}\text{C}$ about the reference temperature do not exceed the MPE.

3.2. Measures made from material whose dimensions may alter materially when subjected to a wide range of relative humidity, may only be included in Classes II or III.

Markings

4. The nominal value shall be marked on the measure. Millimetre scales shall be numbered every centimetre and measures with a scale interval greater than 2 cm shall have all scale marks numbered.

CONFORMITY ASSESSMENT The conformity assessment procedures specified in the modules in Schedule 1B applicable to material measures of length that the manufacturer can choose between are:

- (a) F1;
- (b) D1;
- (c) B and D;
- (d) H; or
- (e) G.

CHAPTER II

Capacity serving measures

The relevant essential requirements of Schedule 1A, and the specific requirements and the conformity assessment procedures listed in this chapter, apply to capacity serving measures defined below. However, the requirement for the supply of a copy of declarations of conformity may be interpreted as applying to a batch or consignment rather than each individual instrument. Also, the requirement for the instrument to bear information in respect of its accuracy shall not apply.

DEFINITIONS

Line measure	A capacity serving measure marked with a line to indicate nominal capacity.
Brim measure	A capacity serving measure for which the internal volume is equal to the nominal capacity.
Transfer measure	A capacity serving measure from which it is intended that the liquid is decanted prior to consumption.
Capacity	The capacity is the internal volume for brim measures or internal volume to a filling mark for line measures.

SPECIFIC REQUIREMENTS

Reference Conditions

1

1.1. Temperature: the reference temperature for measurement of capacity is 20 °C.

1.2. Position for correct indication: free standing on a level surface.

MPEs

Table 1

	<i>Line</i>	<i>Brim</i>
Transfer measures		
Transfer measures		
< 100 ml	$\pm 2 \text{ ml}$	– 0 + 4 ml
$\geq 100 \text{ ml}$	$\pm 3 \%$	– 0 + 6 %
Serving measures		
< 200 ml	$\pm 5 \%$	– 0 + 10 %
$\geq 200 \text{ ml}$	$\pm (5 \text{ ml} + 2.5 \%)$	– 0 + 10 ml + 5 %

Materials

3. Capacity serving measures shall be made of material which is sufficiently rigid and dimensionally stable to maintain capacity within the MPE.

Shape

4

4.1. Transfer measures shall be designed so that a change of contents equal to the MPE causes a change in level of at least 2 mm at the brim or filling mark.

4.2. Transfer measures shall be designed so that the complete discharge of the liquid being measured will not be impeded.

Marking

5

5.1. The nominal capacity declared shall be clearly and indelibly marked on the measure.

5.2. Capacity serving measures may also be marked with up to three clearly distinguishable capacities, none of which shall lead to confusion one to the other.

5.3. All filling marks shall be sufficiently clear and durable to ensure that MPEs are not exceeded in use.

CONFORMITY ASSESSMENT The conformity assessment procedures specified in the modules in Schedule 1B applicable to capacity serving measures that the manufacturer can choose between are:

- (a) A2;
- (b) F1;
- (c) D1;
- (d) E1;
- (e) B and E;
- (f) B and D; or
- (g) H.

SCHEDULE 1J

Regulations 2 and 39(1)

EXHAUST GAS ANALYSERS (MI-010) (Annex XII to the Directive)

The relevant requirements of Schedule 1A, the specific requirements of this Schedule and the conformity assessment procedures listed in this Schedule, apply to exhaust gas analysers to the extent that they are also regulated measuring instruments.

The volume fractions of the exhaust gas components are expressed as a percentage (% vol) for carbon monoxide (CO), carbon dioxide (CO₂) and oxygen (O₂) and in parts per million (ppm vol) for hydrocarbons (HC).

The content of HC has to be expressed as concentration of n-hexane (C₆H₁₄), measured with near-infrared absorption techniques.

DEFINITIONS

Lambda	Lambda is a dimensionless value representative of the burning efficiency of an engine in terms of air/fuel ratio in the exhaust gases.
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SPECIFIC REQUIREMENTS

Instrument Classes

1. Two classes (0 and I) are being defined for exhaust gas analysers. The relevant minimum measuring ranges for these classes are shown in Table 1.

Table 1

Classes and measuring ranges

Changes to legislation: There are currently no known outstanding effects for the The Measuring Instruments Regulations 2016. (See end of Document for details)

Parameter	Classes 0 and I
CO fraction	from 0 to 5 % vol
CO ₂ fraction	from 0 to 16 % vol
HC fraction	from 0 to 2,000 ppm vol
O ₂ fraction	from 0 to 21 % vol
λ	from 0.8 to 1.2

Rated operating conditions

2. The values of the operating conditions shall be specified by the manufacturer as follows:

2.1. For the climatic and mechanical influence quantities:

- a minimum temperature range of 35 °C for the climatic environment;
- the mechanical environment class that applies is M1.

2.2. For the electrical power influence quantities:

- the voltage and frequency range for the AC voltage supply
- the limits of the DC voltage supply.

2.3. For the ambient pressure:

— the minimum and the maximum values of the ambient pressure are for both classes: $p_{\min} \leq 860$ hPa, $p_{\max} \geq 1,060$ hPa.

Maximum permissible errors (MPEs)

3. The MPEs are defined as follows:

3.1. For each of the fractions measured, the maximum error value permitted under rated operating conditions according to paragraph 1.1 of Schedule 1A is the greater of the two values shown in Table 2. Absolute values are expressed in % vol or ppm vol, percentage values are percent of the true value.

Table 2

Parameter	Class 0	Class I
MPEs		
CO fraction	± 0.03 % vol ± 5 %	± 0.06 % vol ± 5 %
CO ₂ fraction	± 0.5 % vol ± 5 %	± 0.5 % vol ± 5 %
HC fraction	± 10 ppm vol ± 5 %	± 12 ppm vol ± 5 %
O ₂ fraction	± 0.1 % vol ± 5 %	± 0.1 % vol ± 5 %

3.2. The MPE on lambda calculation is 0.3 %. The conventional true value is calculated according to the formula set out in point 5.3.7.3 of Regulation No 83 of the Economic Commission for Europe of the United Nations (UN/ECE).

For this purpose, the values displayed by the instrument are used for calculation.

Permissible effect of disturbances

4. For each of the volume fractions measured by the instrument, the critical change value is equal to the MPE for the parameter concerned.
5. The effect of an electromagnetic disturbance shall be such that:
 - either the change in the measurement result is not greater than the critical change value laid down in paragraph 4; or
 - the presentation of the measurement result is such that it cannot be taken for a valid result.

Other requirements

6. The resolution shall be equal to or of one order of magnitude higher than the values shown in Table 3.

Table 3

<i>Resolution</i>					
	CO	CO ₂	O ₂		HC
Class O and class I	0.01 % vol	0.1 % vol	0.01 % vol for measurand values below or equal to 4 % vol, otherwise 0.1 % vol.	or 1	ppm vol

The lambda value shall be displayed with a resolution of 0.001.

The standard deviation of 20 measurements shall not be greater than one third of the modulus of the MPE for each applicable gas volume fraction.

8. For measuring CO, CO₂ and HC, the instrument, including the specified gas handling system, must indicate 95 % of the final value as determined with calibration gases within 15 seconds after changing from a gas with zero content, e.g. fresh air. For measuring O₂, the instrument under similar conditions must indicate a value differing less than 0.1 % vol from zero within 60 seconds after changing from fresh air to an oxygen-free gas.

9. The components in the exhaust gas, other than the components whose values are subject to the measurement, shall not affect the measurement results by more than the half of the modulus of the MPEs when those components are present in the following maximum volume fractions:

- 6 % vol CO,
- 16 % vol CO₂,
- 10 % vol O₂,
- 5 % vol H₂,
- 0.3 % vol NO,
- 2,000 ppm vol HC (as n-hexane),

water vapour up to saturation.

10. An exhaust gas analyser shall have an adjustment facility that provides operations for zero-setting, gas calibration and internal adjustment. The adjustment facility for zero-setting and internal adjustment shall be automatic.

Changes to legislation: There are currently no known outstanding effects for the *The Measuring Instruments Regulations 2016*. (See end of Document for details)

11. For automatic or semi-automatic adjustment facilities, the instrument shall be unable to make a measurement as long as the adjustments have not been made.

12. An exhaust gas analyser shall detect hydrocarbon residues in the gas handling system. It shall not be possible to carry out a measurement if the hydrocarbon residues, present before any measurement, exceed 20 ppm vol.

13. An exhaust gas analyser shall have a device for automatically recognising any malfunctioning of the sensor of the oxygen channel due to wear or a break in the connecting line.

14. If the exhaust gas analyser is capable to operate with different fuels (e.g. petrol or liquefied gas), there shall be the possibility to select the suitable coefficients for the Lambda calculation without ambiguity concerning the appropriate formula.

CONFORMITY ASSESSMENT The conformity assessment procedures specified in the modules in Schedule 1B applicable to exhaust gas analysers that the manufacturer can choose between are:

- (a) B and F;
- (b) B and D; or
- (c) H1.

SCHEDULE 1K

Regulation 47(1)(c)

Declaration of Conformity

Declaration of Conformity (No. XXXX)

1. Instrument model/instrument (product, type, batch or serial number):
2. Name and address of the manufacturer and, where applicable, his authorised representative:
3. This declaration of conformity is issued under the sole responsibility of the manufacturer.
4. Object of the declaration (identification of the instrument allowing traceability; it may, where necessary for the identification of the instrument, include an image):
5. The object of the declaration described above is in conformity with the relevant statutory requirements:
6. References to the relevant designated standards or normative documents used or references to the other technical specifications in relation to which conformity is declared:
7. The approved body (name, number) performed ... (description of intervention) and issued the certificate:
8. Additional information:

Signed for and on behalf of: (place and date of issue): (name, function) (signature):]

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 ^{M11}.

Marginal Citations

M11 [S.I. 1988/97](#) as amended by [S.I. 2001/1229](#) and [S.I. 2003/214](#).

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](#)^{M12}); 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](#)^{M13} as amended by Council Directives [72/427/EEC](#)^{M14}, [83/575/EEC](#)^{M15}, [87/354/EEC](#)^{M16}, [87/355/EEC](#)^{M17} and [88/665/EEC](#)^{M18}.

Gas meters

3. A gas meter for use for trade which was—
 - (a) stamped under section 17 of the Gas Act 1986 ^{M19} and placed on the market before 30th October 2016; or
 - (b) stamped under article 22 of the Gas (Northern Ireland) Order 1996 ^{M20} and placed on the market before 30th October 2016;

Marginal Citations

M19 [1986 c.44](#).

M20 [S.I. 1996/275 \(N.I. 2\)](#).

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 ^{M21}, as applied to gas meters by the Measuring Instruments (EEC Requirements) (Gas Volume Meters) Regulations 1988 ^{M22}; or
 - (ii) by any other EEA state in accordance with the relevant provisions of measures in force which implement Council Directive [71/318](#) ^{M23},

and

- (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 ^{M24}, 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.

Marginal Citations

M24 1989 c.29.

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 ^{M25} 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.

Marginal Citations

M25 S.I. 1992 No 231 (N.I. 1).

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 ^{M26}; or
 - (ii) any other EEA state in accordance with the relevant provisions of measures in force which implement Council Directive 76/891 ^{M27}; 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 ^{M28};
- (ii) the Weighing Equipment (Filing and Discontinuous Totalising Automatic Weighing Machines) Regulations 1986 ^{M29}; or
- (iii) the Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations 2000 ^{M30}.

Marginal Citations

- M28** [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](#).
- M29** [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](#).
- M30** [S.I. 2000/388](#) as amended by [S.I. 2003/214](#) and [S.I. 2006/659](#).

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 ^{M31}.

Marginal Citations

- M31** [S.I. 1995/1014](#), as amended by [S.I. 1998/2218](#), [S.I. 2001/85](#), [S.I. 2003/214](#) and [S.I. 2003/2110](#).

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 ^{M32} or, in the case of any other EEA state, in accordance with the measures in force which implemented—
 - (i) Council Directive 71/319 EEC ^{M33};
 - (ii) Council Directive [71/348/EEC](#)^{M34} as amended by the Treaty of Accession 1994 ^{M35}; and
 - (iii) Council Directive [77/313/EEC](#)^{M36} as amended by Commission Directive [82/625/EEC](#)^{M37}; 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^{M38} as amended by Council Directives [72/427/EEC^{M39}](#), [83/575/EEC^{M40}](#), [87/354/EEC^{M41}](#), [87/355/EEC^{M42}](#) and [88/665/EEC^{M43}](#).

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^{M44}.

Marginal Citations

M44 [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](#).

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^{M45} or, in the case of any other EEA state, in accordance with the measures in force which implemented—
- (i) Council Directive 71/319 EEC^{M46};
 - (ii) Council Directive [71/348/EEC^{M47}](#) as amended by the Treaty of Accession 1994^{M48},
and
 - (iii) Council Directive [77/313/EEC^{M49}](#) as amended by Commission Directive [82/625/EEC^{M50}](#), 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^{M51} as amended by Council Directives [72/427/EEC^{M52}](#), [83/575/EEC^{M53}](#), [87/354/EEC^{M54}](#), [87/355/EEC^{M55}](#) and [88/665/EEC^{M56}](#).

Taximeters

13. A Taximeter—

- (a) in respect of which a certificate of approval was granted before 30th October 2006; and

Changes to legislation: There are currently no known outstanding effects for the *The Measuring Instruments Regulations 2016*. (See end of Document for details)

- (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 ^{M57}.

Marginal Citations

M57 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 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.

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 ^{M58}; and
- (b) which was placed on the market before 30th October 2016.

Marginal Citations

M58 [S.I. 1986/1682](#) as amended by [S.I. 1986/2139](#), [S.I. 1994/1851](#), [S.I. 1996/2636](#)

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 ^{M59}
- (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](#)^{M60} as amended by Council Directive [78/629/EEC](#)^{M61} and Commission Directive [85/146/EEC](#)^{M62}; 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](#)^{M63} as amended by Council Directives [72/427/EEC](#)^{M64}, [83/575/EEC](#)^{M65}, [87/354/EEC](#)^{M66}, [87/355/EEC](#)^{M67} and [88/665/EEC](#)^{M68}.

Marginal Citations

M59 [S.I. 1866/186](#) as amended by [S.I. 1988/296](#) and [S.I.1988/1128](#)

M60 OJ No. L335, 5.12.73, p.56 (repealed by Directive 2004/22/EC (OJ No.L135, 30.4.04, p.1).

Changes to legislation: There are currently no known outstanding effects for the *The Measuring Instruments Regulations 2016*. (See end of Document for details)

- M61** OJNo.L209, 29.7.78, p.8.
M62 OJ no.L054, 23.2.85, p29.
M63 OJ No. L202, 6.09.71, p.1, OJ/SE 1972 1971 (II) p 707.
M64 OJ No. L291, 28.12.72, p156, OJ/SE 1972, 28-30 Dec.,p.71.
M65 OJ No. L 332 ,28.11.83, p.43.
M66 OJ No. L192, 11.7.87
M67 OJ No. L192, 11.7.87, p.46.
M68 OJ No L382, 31.12.88, p.42.

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 ^{M69} before 30th October 2016.

Marginal Citations

- M69** 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.

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.

(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).

^{F193} Transitional provisions relating to UK withdrawal from the EU

2A.—(1) In this regulation—
“pre-exit period” means the period beginning with the commencement date and ending immediately before IP completion day;

(2) Subject to paragraph (3), where a regulated measuring instrument was made available on the market during the pre-exit period, despite the amendments made by Schedule 27 of the Product Safety and Metrology (Amendment etc.) (EU Exit) Regulations 2019, any obligation to which a person was subject under these Regulations as they had effect immediately before IP completion day, continues to have effect as it did immediately before IP completion day, in relation to that regulated measuring instrument.

(3) Paragraph (2) does not apply to—

- (a) any obligation of any competent authority to inform the European Commission or Member States of any matter; or
- (b) any obligation to take action outside of the United Kingdom in respect of that regulated measuring instrument.

(4) Where during the pre-exit period—

- (a) a regulated measuring instrument has not been placed on the market; and
- (b) a manufacturer has taken any action under regulation 39 as it had effect immediately before IP completion day in relation to that regulated measuring instrument,

that action has effect as if it had been done under regulation 39 as it had effect on and after IP completion day.

^{F194} (5) Where paragraph (6) applies to a regulated measuring instrument, regulations 72 and 73 have effect in relation to that instrument, subject to the modifications set out in paragraph (7).

(6) This paragraph applies to a regulated measuring instrument that has been placed on the market—

- (a) during the pre-exit period; or
- (b) pursuant to Article 41 of the EU withdrawal agreement.

(7) The modifications referred to in paragraph (5) are that—

- (a) the reference in regulation 72(2)(a) to “UK marking” is to be read as a reference to the CE marking within the meaning of Article 4(22) of the Directive;
- (b) the reference in regulation 72(2)(b) to “M marking” is to be read as a reference to the supplementary metrology marking as described in Article 21(2) of the Directive.
- (c) the reference in regulation 72(2)(c) to “approved body” is to be read as a reference to the body that undertook the conformity assessment procedure in accordance with Article 13 of the Directive;
- (d) the references in regulations 72(3)(b) and 73(3)(b) to “type examination certificate” are to be read as references to an “EU-type examination certificate” issued under the conformity assessment procedure set out under the heading “MODULE B: EU-TYPE EXAMINATION” in Annex II to the Directive; and
- (e) the references in regulations 72(3)(b) and 73(3)(b) to “design examination certificate” are to be read as references to an EU-design examination certificate issued in accordance with the conformity assessment procedure set out under the heading “MODULE H1: CONFORMITY BASED ON FULL QUALITY ASSURANCE PLUS DESIGN EXAMINATION” in Annex II to the Directive.]

^{F195} (8) Subject to paragraph (9), where before 11pm on 31st December 2024—

- (a) a regulated measuring instrument has not been placed on the market; and
- (b) a manufacturer has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 17 of the Directive

that action has effect as if it had been done under the applicable conformity assessment procedure referred to in regulation 39(1).

(9) Paragraph (8) does not apply—

- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
- (b) in any event, after 31st December 2027.]]

Textual Amendments

- F193** Sch. 3 para. 2A inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 27 para. 50(a)** (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/852, reg. 4(2), **Sch. 1 para. 1(p)(v)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F194** Sch. 3 para. 2A(5)-(7) inserted (E.W.S.) (9.12.2021) by [The Product Safety and Metrology etc. \(Amendment\) Regulations 2021](#) (S.I. 2021/1273), regs. 1, **12(6)**
- F195** Sch. 3 para. 2A(8)(9) inserted (E.W.S.) (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022](#) (S.I. 2022/1393), regs. 1(1), **18(2)**

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);”.

^{F196}(4)

Textual Amendments

F196 Sch. 3 para. 3(4) omitted (23.7.2019) by virtue of [The Consumer Rights Act 2015 \(Enforcement\) \(Amendment\) Order 2019 \(S.I. 2019/1074\)](#), arts. 1, 3

Modifications to the application of the Gas Act 1986 **E+W+S**

4.—(1) Section 17 of the Gas Act 1986 ^{M70} (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 ^{M71}), 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 [^{F197}Schedule 1D to the Measuring Instruments Regulations 2016], 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 [^{F198}Schedule 1D to the Measuring Instruments Regulations 2016], the maximum permissible error as set out, in relation to that class, in Table 1 in paragraph 2.1 of [^{F199}Schedule 1D to the Measuring Instruments Regulations 2016];

(5) The Gas (Meters) Regulations 1983 ^{M72} 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 ^{M73} (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 [^{F200}Schedule 1D to the Measuring Instruments Regulations 2016], twice the maximum permissible error as set out, in relation to that class, in Table 1 in paragraph 2.1 of [^{F201}Schedule 1D to the Measuring Instruments Regulations 2016];
 - (ii) in relation to a Class 1.0 gas meter within the meaning of [^{F202}Schedule 1D to the Measuring Instruments Regulations 2016], the maximum permissible error as set out, in relation to that class, in Table 1 in paragraph 2.1 of [^{F203}Schedule 1D to the Measuring Instruments Regulations 2016].

Extent Information

E49 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F197** Words in Sch. 3 para. 4(4)(a) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 50(b)(i)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F198** Words in Sch. 3 para. 4(4)(b) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 50(b)(i)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F199** Words in Sch. 3 para. 4(4)(b) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 50(b)(ii)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F200** Words in Sch. 3 para. 4(6)(c)(i) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 50(b)(i)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F201** Words in Sch. 3 para. 4(6)(c)(i) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 50(b)(ii)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F202** Words in Sch. 3 para. 4(6)(c)(ii) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 50(b)(i)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F203** Words in Sch. 3 para. 4(6)(c)(ii) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 50(b)(ii)** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M70** 1986 c.44. Section 17 was substituted by paragraph 13 of Schedule 3 to the Gas Act 1995 (c.45).
- M71** S.I. 2006/2647.
- M72** S.I.1983/684.
- M73** 1972 c.60.

Modifications to the application of the Gas Act 1986 **N.I.**

4.—(1) Section 17 of the Gas Act 1986 ^{F322} (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 ^{F323}), 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—

- 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;
- 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 ^{F324} 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—

Changes to legislation: There are currently no known outstanding effects for the *The Measuring Instruments Regulations 2016*. (See end of Document for details)

- (a) references, however expressed, to a meter stamped under section 30 of the Gas Act 1972^{F325} (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.

Extent Information

E111 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F322 1986 c.44. Section 17 was substituted by paragraph 13 of Schedule 3 to the [Gas Act 1995 \(c.45\)](#).

F323 [S.I. 2006/2647](#).

F324 [S.I.1983/684](#).

F325 1972 c.60.

Modifications to the application of the Gas (Northern Ireland) Order 1996 **E+W+S**

5.—(1) Article 22 of the Gas (Northern Ireland) Order 1996^{M74} (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.

(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 [^{F204}Schedule 1D to the Measuring Instruments Regulations 2016], twice the maximum permissible error as set out, in relation to that class, in Table 1 in paragraph 2.1 of [^{F205}Schedule 1D to the Measuring Instruments Regulations 2016];
- (b) in relation to a Class 1.0 relevant instrument within the meaning of [^{F206}Schedule 1D to the Measuring Instruments Regulations 2016], the maximum permissible error as set out, in relation to that class, in Table 1 in paragraph 2.1 of [^{F207}Schedule 1D to the Measuring Instruments Regulations 2016].

Extent Information

E50 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F204** Words in [Sch. 3 para. 5\(4\)\(a\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 50\(c\)\(i\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F205** Words in [Sch. 3 para. 5\(4\)\(a\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 50\(c\)\(ii\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F206** Words in [Sch. 3 para. 5\(4\)\(b\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 50\(c\)\(i\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F207** Words in [Sch. 3 para. 5\(4\)\(b\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 50\(c\)\(ii\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M74** [S.I. 1996 No. 275](#) (N.I. 2).

Modifications to the application of the Gas (Northern Ireland) Order 1996 **N.I.**

5.—(1) Article 22 of the Gas (Northern Ireland) Order 1996 ^{F326} (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.

(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—

- 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;
- 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.

Extent Information

- E112** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F326** [S.I. 1996 No. 275](#) (N.I. 2).

Modifications to the application of the Electricity Act 1989 **E+W+S**

6.—(1) Schedule 7 to the Electricity Act 1989 ^{M75} (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 ^{M76}), 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 [^{F208}Schedule 1E of the Measuring Instruments Regulations 2016].

(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 [^{F208}Schedule 1E of the Measuring Instruments Regulations 2016].

(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 ^{M77}; and
- (b) regulation 3 of the Meters (Approval of Pattern or Construction and Manner of Installation) Regulations 1998 ^{M78},

do not apply to the meter.

Textual Amendments

F208 Words in [Sch. 3 para. 6](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 50\(d\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

Marginal Citations

M75 1989 c.30

M76 [S.I. 2006/1679](#).

M77 [S.I. 1998/1566](#).

M78 [S.I. 1998/1565](#).

Modifications to the application of the Electricity Act 1989 **N.I.**

6.—(1) Schedule 7 to the Electricity Act 1989 ^{F327} (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 ^{F328}), 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 ^{F329}; and
 - (b) regulation 3 of the Meters (Approval of Pattern or Construction and Manner of Installation) Regulations 1998 ^{F330},
 do not apply to the meter.

Textual Amendments

F327 1989 c.30

F328 S.I. 2006/1679.

F329 S.I. 1998/1566.

F330 S.I. 1998/1565.

Modifications to the application of the Electricity (Northern Ireland) Order 1992 **E+W+S**

- 7.—(1) Schedule 7 to the Electricity (Northern Ireland) Order 1992 ^{M79} (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.
- (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 [^{F209}Schedule 1E of the Measuring Instruments Regulations 2016].
- (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 [^{F209}Schedule 1E of the Measuring Instruments Regulations 2016].
- (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 ^{M80}; and
 - (b) regulation 3 of the Meters (Approval of Pattern or Construction and Manner of Installation) Regulations (Northern Ireland) 1998 ^{M81},
- do not apply to the meter.

Extent Information

- E51** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F209** Words in [Sch. 3 para. 7](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 50\(d\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Marginal Citations

- M79** [S.I. 1992 No 231](#)(N.I. 1).
M80 [S.R.N.I. 1998 No. 444](#).
M81 [S.R.N.I. 1998 No. 443](#).

Modifications to the application of the Electricity (Northern Ireland) Order 1992 **N.I.**

7.—(1) Schedule 7 to the Electricity (Northern Ireland) Order 1992 ^{F331} (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.

(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 ^{F332}; and
- (b) regulation 3 of the Meters (Approval of Pattern or Construction and Manner of Installation) Regulations (Northern Ireland) 1998 ^{F333},

do not apply to the meter.

Extent Information

- E113** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F331** [S.I. 1992 No 231](#)(N.I. 1).
F332 [S.R.N.I. 1998 No. 444](#).

F333 S.R.N.I. 1998 No. 443.

SCHEDULE 4

Regulation 39(2)

OPERATIONAL OBLIGATIONS OF [F210NOTIFIED][F210APPROVED] BODIES

Textual Amendments

F210 Word in Sch. 4 heading substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, Sch. 27 para. 51(b) (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

1. Conformity assessment must be carried out in a proportionate manner, avoiding unnecessary burdens for economic operators.

2. Conformity assessment bodies must perform their activities taking due account of—

- (a) the size of an undertaking;
- (b) the sector in which it operates,
- (c) its structure;
- (d) the degree of complexity of the of the measuring instrument technology in question; and
- (e) the mass or serial nature of the production process,

but respecting the degree of rigour and the level of protection required for compliance of the measuring instrument with these Regulations.

3. Where [F211an approved] body finds that the essential requirements have not been met by a manufacturer—

- (a) it must require that manufacturer to take appropriate corrective measures; and
- (b) it must not issue a certificate of conformity.

4. Where in the course of the monitoring of conformity following the issue of a certificate, [F212an approved] body finds that a measuring instrument no longer complies, it must require the manufacturer to take appropriate corrective measures and must suspend or withdraw the certificate if necessary.

5. Where corrective measures are not taken or do not have the required effect, the [F213approved] body must restrict, suspend or withdraw any certificates, as appropriate.

6. Where a person is aggrieved at a decision taken by [F214an approved] body in relation to the conformity assessment of a measuring instrument, the [F213approved] body must have appropriate arrangements for the review of that decision by a person who was not involved in the taking of that decision.

7. [F213Approved] bodies must inform the [F215Secretary of State] of the following—

- (a) any refusal, restriction, suspension or withdrawal of a certificate;
- (b) any circumstances affecting the scope of or conditions for [F216approval];
- (c) any request for information which they have received from market surveillance authorities regarding conformity assessment; and

- (d) on request, conformity assessment activities performed within the scope of their [^{F217}approval] and any other activity performed, including cross-border activities and subcontracting.

8. [^{F213}Approved] bodies must provide other bodies [^{F218}approved][^{F213}approved] under [^{F219}these Regulations] carrying out similar conformity assessment activities covering the same measuring instruments with relevant information on issues relating to negative and, on request positive conformity assessment results.

9. [^{F213}Approved] bodies must—

- (a) when requested by the Secretary of State, nominate a representative to attend a group ^{F220}...; and
- (b) ensure attendance of that representative at meetings of the group.

SCHEDULE 5

Regulation 55(4)

REQUIREMENTS RELATED TO [^{F221}NOTIFIED][^{F221}APPROVED] BODIES

Textual Amendments

F221 Word in [Sch. 5](#) heading substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, [Sch. 27 para. 52\(h\)](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

[^{F222}1.—(1) A conformity assessment body must have legal personality and must be established in—

- (a) the United Kingdom; or
- (b) the territory of a party to the CPTPP.

(2) In sub-paragraph (1) “the CPTPP” has the meaning set out in section 1 of the Trade (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) Act 2024.]

2. A conformity assessment body must be independent of the organisation or the measuring instrument it assess. A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of measuring instruments which it assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered such a body.

3.—(1) A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks must not be—

- (a) the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the measuring instruments they assess; or
- (b) the representative of any of the parties referred to in paragraph (a).

(2) Sub-paragraph (1) does not preclude the use of assessed measuring instruments that are necessary for the operations of the conformity assessment body or the use of such instruments for personal purposes.

(3) A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks must not—

- (a) be directly involved in the design, manufacture or construction, the marketing, installation, use or maintenance of the measuring instruments they assess;
 - (b) represent the parties engaged in the activities referred to in paragraph (a); or
 - (c) engage in any activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are [^{F223}approved], in particular consultancy services.
- (4) Paragraph (3) does not preclude the possibility of exchanges of technical information between the manufacturer and the body for the purposes of conformity assessment.
- (5) Conformity assessment bodies must ensure that the activities of their subsidiaries or sub-contractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.

4. Conformity assessment bodies and their personnel must—

- (a) carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field; and
- (b) be free from all pressures and inducements, particularly financial, which might influence—
 - (i) their judgement or
 - (ii) the results of their conformity assessment activities, especially as regards persons or groups of persons with an interest in those activities.

5.—(1) A conformity assessment body must be capable of carrying out all the conformity assessment tasks assigned to it by Schedule [^{F224}1B] and in relation to which it has been [^{F223}approved], whether those tasks are carried out by—

- (a) the conformity assessment body itself; or
- (b) on its behalf and under its responsibility.

(2) At all times and for each conformity assessment procedure and each kind or category of measuring instruments in relation to which it has been [^{F223}approved], a conformity assessment body must have at its disposal the necessary—

- (a) personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment tasks;
- (b) descriptions of procedure in accordance with which conformity assessment is carried out, ensuring, the transparency and the ability of reproduction of those procedures;
- (c) appropriate policies and procedures in place that distinguish between tasks it carries out as [^{F225}an approved] body and other activities; and
- (d) procedure for the performance of activities which take due account of the size of and undertaking, the sector in which it operates, its structure, the degree of complexity of the measuring instrument technology in question and the mass or serial nature of the production process.

(3) A conformity assessment body must have—

- (a) the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner; and
- (b) access to all necessary equipment or facilities.

6. The personnel responsible for carrying out conformity assessment tasks must have the following—

- (a) sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment body has been [^{F223}approved];
- (b) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority to carry out those assessments;
- (c) appropriate knowledge and understanding of—
 - (i) the essential requirements;
 - (ii) the applicable [^{F226}designated] standards and normative documents; and
 - (iii) the relevant provisions ^{F227}... of [^{F228}applicable] legislation; and
- (d) the ability to draw up certificates, records and reports demonstrating that assessments have been carried out.

7.—(1) The impartiality of the conformity assessment bodies, their top level management and of the personnel responsible for carrying out the conformity assessment tasks must be guaranteed.

(2) The remuneration of the top level management and personnel responsible for carrying out the conformity assessment tasks of a conformity assessment body must not depend on the number of assessments carried out or the results of those assessments.

8.—(1) Conformity assessment bodies must take out liability insurance.

(2) Sub-paragraph (1) does not apply to the Secretary of State or a body where liability for conformity assessment activities is assumed by the Crown.

9.—(1) The personnel of a conformity assessment body must observe professional secrecy with regard to all information obtained in the carrying out their tasks under these Regulations ^{F229}....

(2) Proprietary rights must be protected.

10. Conformity assessment bodies must participate in, or ensure that their personnel responsible for carrying out the conformity assessment tasks are informed of, the relevant standardisation activities and the activities of the [^{F223}approved] body co-ordination group established [^{F230}by the Secretary of State] and must apply as general guidance, the administrative decisions and documents produced as a result of the work of that group.

SCHEDULE 6

Regulation 61

IN SERVICE REQUIREMENTS FOR CERTAIN REGULATED MEASURING INSTRUMENTS IN GREAT BRITAIN

PART 1

INTRODUCTORY

1.—(1) This Schedule applies to the use for trade of regulated measuring instruments as follows—

- (a) Part 2 applies to water meters used for trade for the supply of potable water in the temperature range from 0.1°C to and including 30°C;
- (b) Part 3 applies to measuring systems which are used for the continuous and dynamic measurement in a quantity not exceeding 100 litres or 100 kilograms of a liquid fuel, lubricant or a mixture of fuel and lubricant other than—

- (i) liquefied petroleum gas; or
- (ii) liquefied natural gas;
- (c) Part 4 applies to measuring systems (other than one used in connection with the refuelling of aircraft, ships or hovercraft) which are used for the continuous and dynamic measurement in a quantity exceeding 100 litres or 100 kilograms of liquid fuels delivered from a road tanker other than—
 - (i) liquefied gases;
 - (ii) lubricating oils;
 - (iii) liquid fuels of a temperature below -153°C ; or
 - (iv) liquid fuels of a dynamic viscosity exceeding 100 millipascal seconds at 15°C ;
- (d) Part 5 applies to automatic catchweighers;
- (e) Part 6 applies to automatic gravimetric filling instruments;
- (f) Part 7 applies to automatic discontinuous totalisers;
- (g) Part 8 applies to automatic rail weighbridges;
- (h) Part 9 applies to beltweighers;
- (i) Part 10 applies to material measures of length; and
- (j) Part 11 applies to capacity serving measures.

(2) In this Schedule, “minimum measured quantity” means, in relation to a measuring system, the smallest quantity of liquid fuel for which the measurement is metrologically acceptable for the measuring system.

PART 2

COLD WATER METERS

Requirements for use for trade

2. No person may use for trade a water meter for the supply of potable water to domestic premises in the temperature range from 0.1°C to and including 30°C (“a cold water meter”) unless—

- (a) it is compliant with the essential requirements applicable to cold water meters (other than the provisions relating to maximum permissible errors);
- (b) it operates within the maximum permissible errors set out in paragraph 3; and
- (c) the requirements of paragraph 4 are complied with.

Maximum permissible error

3.—(1) Where a cold-water meter is used for trade within a flowrate range set out in column 1 of the following Table, it must operate within the maximum permissible error specified for that flowrate range set out in column 2 of that Table.

<i>Column 1</i>	<i>Column 2</i>
Flowrate range	Maximum permissible error as a percentage of quantity delivered
Q_1 to $< Q_2$	$\pm 6\%$

Q₂ to and including Q₄ ± 2.5%

(2) For the purposes of that Table—

- (a) “Q₁” is the lowest flowrate at which the cold-water meter provides indications that satisfy the requirements concerning the maximum permissible errors;
- (b) “Q₂” is the flowrate value occurring between the permanent and minimum flowrates, at which the flowrate range is divided into two zones, the upper zone and the lower zone, each zone having a characteristic maximum permissible error;
- (c) “Q₃” is the permanent flowrate; and
- (d) “Q₄” is the highest flowrate at which the cold-water meter operates in a satisfactory manner.

4.—(1) Where a cold water meter is marked with—

- (a) a temperature range, it must not be used for trade in temperatures outside that range; or
- (b) a flowrate range, it must not be used at a flowrate outside that range.

(2) Where a cold-water meter bears a mark which signifies the manner and purposes of use, it must not be used for trade in a manner or for a purpose which does not accord with that marking.

(3) A cold water meter must not be used for trade in circumstances—

- (a) in which it may be prevented from operating consistently or accurately; or
- (b) which are likely prematurely to degrade its metrological characteristics.

(4) A cold-water meter must not be used for trade unless, when adjusted, the calibration of the instrument is set as close to zero as practicable.

PART 3

LIQUID FUEL AND LUBRICANTS

Requirements for use for trade

5. In this Part of this Schedule, “measuring system” means a measuring system which is used for the continuous and dynamic measurement in a quantity not exceeding 100 litres or 100 kilograms of a liquid fuel, lubricant or a mixture of fuel and lubricant other than—

- (a) liquefied petroleum gas; or
- (b) liquefied natural gas.

6. No person may use for trade a measuring system unless—

- (a) it is compliant with the essential requirements other than the provisions relating to maximum permissible errors;
- (b) it is so positioned as to facilitate testing;
- (c) it operates within the maximum permissible errors in paragraph 7; and
- (d) the requirements of paragraph 8 are complied with.

Maximum permissible error

7.—(1) In the case of a measuring system used to measure a quantity of liquid fuel—

Changes to legislation: There are currently no known outstanding effects for the *The Measuring Instruments Regulations 2016*. (See end of Document for details)

- (a) above the minimum measured quantity of the measuring system, the maximum permissible error shall be determined in accordance with the following Table.

Column 1 Quantity	Accuracy class of measuring system				
	0.3 Column 2 MPE	0.5 Column 3 MPE	1.0 Column 4 MPE	1.5 Column 5 MPE	2.5 Column 6 MPE
Less than 0.1L	+ 4.8mL -2.4mL	+8mL -4mL	+16mL -8mL	+24mL -12mL	+40mL -20mL
From 0.1L to < 0.2L	+ 4.8% -2.4%	+ 8% -4%	+16% -8%	+ 24% -12%	+ 40% -20%
From 0.2L to < 0.4L	+ 4.8mL -2.4mL	+ 8mL -4mL	+ 16mL -8mL	+ 24mL -12mL	+ 40mL -20mL
From 0.4L to < 1L	+ 1.2% -0.6%	+ 2% -1%	+ 4% -2%	+ 6% -3%	+ 10% -5%
From 1L to < 2L	+12mL -6mL	+20mL -10mL	+40mL -20mL	+60mL -30mL	+100mL -50mL
2L or more	+0.6% -0.3%	+1% -0.5%	+2% -1%	+3% -1.5%	+5% -2.5%

- (b) equal to the minimum measured quantity of the measuring system, the maximum permissible error shall be determined in accordance with the following Table.

Column 1 Quantity	Accuracy class of measuring system				
	0.3 Column 2 MPE	0.5 Column 3 MPE	1.0 Column 4 MPE	1.5 Column 5 MPE	2.5 Column 6 MPE
Less than 0.1L	+4.8mL -2.4mL	+8mL -4mL	+16mL -8mL	+24mL -12mL	+40mL -20mL
From 0.1L to < 0.2L	+ 4.8% -2.4%	+8% -4%	+ 16% -8%	+24% -12%	+40% -20%
From 0.2L to < 0.4L	+ 9.6mL -4.8mL	+ 16mL -8mL	+ 32mL -16mL	+ 48mL -24mL	+ 80mL -40mL
From 0.4L to < 1L	+ 2.4% -1.2%	+ 4% -2%	+8% -4%	+ 12% -6%	+ 20% -10%
From 1L to < 2L	+24mL -12mL	+40mL -20mL	+80mL -40mL	+120mL -60mL	+200mL -100mL
2L or more	+1.2% -0.6%	+2% -1%	+4% -2%	+6% -3%	+10% -5%

(2) But the maximum permissible error for a quantity above the minimum measured quantity of the measuring system shall not be less than the maximum permissible error for a quantity equal to the minimum measured quantity.

(3) Where the measuring system falls within an accuracy class of 0.3, 0.5, 1.0, 1.5 or 2.5, it shall, for a quantity set out in column 1 of the relevant Table, operate within the maximum permissible error set out in column 2, 3, 4, 5 or 6 of that Table for that class and that quantity.

Manner of use

8.—(1) Where a measuring system is marked with—

- (a) a temperature range, it must not be used for trade in temperatures outside that range; and
- (b) a flowrate range, it must not be used for trade at a flowrate outside that range.

(2) A measuring system must not be used for trade unless it is marked in a manner which is sufficiently clear to enable the buyer to identify the product which that measuring system delivers but this paragraph does not apply where the measuring system is used in the absence of the buyer.

(3) A measuring system must not be used for trade in circumstances which are likely prematurely to degrade its metrological characteristics.

(4) A measuring system must not be used for trade unless the sales indicator—

- (a) is set to zero before measurement of the liquid fuel commences;
- (b) remains at zero until that fuel starts to emerge from the system;
- (c) is not reset to zero during measurement of that fuel; and
- (d) cannot be advanced by any means other than by the discharge of that fuel from the system and the proper operation of the system.

(5) If a measuring system is adjusted, it must not be used for trade unless the calibration of the system is set as close to zero error as is practicable.

(6) Where a measuring system used for trade bears a mark (other than a mark referred to in paragraph (1)) which signifies the manner and purpose of use, that system must not be used in a manner or for a purpose which does not accord with that marking.

(7) A measuring system must not be used in circumstances in which it may be prevented from operating consistently or accurately.

(8) Nothing in paragraphs (6) or (7) shall prevent the use for trade of a measuring system where a buyer chooses to take a delivery which is less than the minimum measured quantity.

PART 4

LIQUID FUEL DELIVERED FROM ROAD TANKERS

Requirements for use for trade

9. In this Part of this Schedule, “measuring system” means a measuring system (other than one used in connection with the refuelling of aircraft, ships or hovercraft) which is used for the continuous and dynamic measurement in a quantity exceeding 100 litres or 100 kilograms of liquid fuel delivered from a road tanker other than—

- (a) liquefied gases;
- (b) lubricating oils;
- (c) liquid fuels of a temperature below -153°C; or
- (d) liquid fuels of a dynamic viscosity exceeding 100 millipascal seconds at 15°C.

10. No person shall use for trade a measuring system unless—

- (a) it is compliant with the essential requirements other than the provisions relating to maximum permissible errors;
- (b) it is erected and installed so as to facilitate testing;
- (c) it operates within the maximum permissible errors in paragraph 11; and

(d) the requirements of paragraphs 12 and 13 are complied with.

Maximum permissible error

11.—(1) A measuring system which falls within an accuracy class of 0.3, 0.5 or 1.0 must, when used to measure a quantity set out in column 1 of the following Table, operate within the maximum permissible error as set out in column 2, 3 or 4 of that Table for that class and that quantity.

<i>Column 1</i> <i>Quantity delivered</i>	<i>Accuracy class</i>		
	0.3 <i>Column 2</i> <i>Maximum permissible error</i>	0.5 <i>Column 3</i> <i>Maximum permissible error</i>	1.0 <i>Column 4</i> <i>Maximum permissible error</i>
MMQ to and including MMQ x 2	$\pm 0.6\% \times \text{MMQ}$	$\pm 1\% \times \text{MMQ}$	$\pm 2\% \times \text{MMQ}$
>MMQ x 2	$\pm 0.3\% \times \text{quantity delivered}$	$\pm 0.5\% \times \text{quantity delivered}$	$\pm 1.0\% \times \text{quantity delivered}$

(2) In the Table, “MMQ” means minimum measured quantity.

Manner of use

12.—(1) Where a measuring system is marked with—

- (a) a temperature range, it must not be used for trade in temperatures outside that range; or
- (b) a flowrate range, it must not be used for trade at a flowrate outside that range.

(2) A measuring system which bears a mark which signifies the manner and purpose of use must not be used for trade in a manner or for a purpose which does not accord with that marking.

(3) If a measuring system is adjusted, it must not be used for trade unless the calibration of the system is set as close to zero error as is practicable.

(4) A measuring system must not be used for trade unless it is fitted with a ticket printing mechanism which provides an individual printed ticket.

(5) A measuring system must not be used for trade in circumstances which are likely prematurely to degrade its metrological characteristics.

(6) A measuring system must not be used for trade unless the sales indicator—

- (a) is set to zero before measurement of the liquid fuel commences;
- (b) remains at zero until that fuel starts to emerge from the instrument;
- (c) is not reset to zero during measurement of that fuel; and
- (d) cannot be advanced by any means other than by the discharge of that fuel from the instrument and the proper operation of instrument.

(7) A measuring system must not be used in circumstances—

- (a) which are likely prematurely to degrade its metrological characteristics; or
- (b) in which it may be prevented from operating consistently or accurately.

Minimum measured quantity

13.—(1) A measuring system must not be used to measure quantities of liquid fuel delivered from a road tanker that are less than the minimum measured quantity but this paragraph does not apply where—

- (a) a measurement is made to determine payments in respect of any customs or excise duty; or
- (b) a frustrated delivery has taken place and all reasonable precautions have been taken and all due diligence has been exercised to avoid a frustrated delivery.

(2) In sub-paragraph (1)(b), “frustrated delivery” means a delivery of liquid fuel from a road tanker which cannot be completed because—

- (a) there is insufficient space in the buyer's storage tank;
- (b) continuing the delivery would result in contamination of the liquid fuel or the mixing of different types of liquid fuel; or
- (c) a component of the meter measuring system breaks down.

PART 5

AUTOMATIC CATCHWEIGHERS

Interpretation of Part

14. In this Part references to an automatic catchweigher are to accuracy classes Y(I), Y(II), Y(a) and Y(b) as defined in [F231Schedule 1G].

Textual Amendments

F231 Words in Sch. 6 para. 14 substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 27 para. 53](#) (with [Sch. 27 para. 50\(a\)](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Requirements for use for trade of automatic catchweighers

15.—(1) No person shall use for trade an automatic catchweigher unless—

- (a) it is compliant with the essential requirements other than the provisions relating to maximum permissible errors;
- (b) in the case of an automatic catchweigher of accuracy class Y(I), Y(II), Y(a) or Y(b) it operates within the maximum permissible errors in paragraph 16;
- (c) the requirements of paragraphs 17 to 20 are complied with; and
- (d) it has been erected and installed in accordance with the requirements of paragraph 21.

Maximum permissible error

16.—(1) The maximum permissible error for an automatic catchweigher in automatic operation is to be determined in accordance with the following table—

<i>Net Load (m) in verification scale intervals (e)</i>	<i>Maximum permissible error</i>
---	----------------------------------

<i>Y(I)</i>	<i>Y(II)</i>	<i>Y(a)</i>	<i>Y(b)</i>	
$0 < m \leq 50\,000$	$0 < m \leq 5\,000$	$0 < m \leq 500$	$0 < m \leq 50$	$\pm 2e$
$50\,000 < m \leq 200\,000$	$5\,000 < m \leq 20\,000$	$500 < m \leq 20\,000$	$50 < m \leq 200$	$\pm 3e$
$200\,000 < m$	$20\,000 < m \leq 100\,000$	$2\,000 < m \leq 10\,000$	$200 < m \leq 20\,000$	$\pm 4e$

(2) The maximum permissible error for an automatic catchweigher in non-automatic operation is to be determined in accordance with the following table—

<i>Net Load (m) in verification scale intervals (e)</i>				<i>Maximum permissible error</i>
<i>Y(I)</i>	<i>Y(II)</i>	<i>Y(a)</i>	<i>Y(b)</i>	
$0 < m \leq 50\,000$	$0 < m \leq 5\,000$	$0 < m \leq 500$	$0 < m \leq 50$	$\pm 1e$
$50\,000 < m \leq 200\,000$	$5\,000 < m \leq 20\,000$	$500 < m \leq 20\,000$	$50 < m \leq 200$	$\pm 2e$
$200\,000 < m$	$20\,000 < m \leq 100\,000$	$2\,000 < m \leq 10\,000$	$200 < m \leq 20\,000$	$\pm 3e$

Manner of use

17. An automatic catchweigher marked with a measurement range may be used for trade for determining the difference between two weights where both items fall within the measurement range.

18. Where an automatic catchweigher is marked with a measurement range, no person may use the catchweigher for trade for determining a weight outside that range in relation—

- (a) to, or to articles made from, gold, silver or other precious metals, including gold or silver thread or fringe;
- (b) to precious stones or pearls; or
- (c) to drugs or other pharmaceutical products.

19. No person may use for trade an automatic catchweigher other than catchweigher of accuracy class Y(I) or Y(II) in any transaction—

- (a) in, or in articles made from gold silver or other precious metals, including gold or silver thread or fringe; or
- (b) in precious stones or pearls.

20.—(1) Where an automatic catchweigher is marked with a temperature range, it must not be used for trade in temperatures outside that range.

(2) Where an automatic catchweigher 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.

(3) An automatic catchweigher of accuracy class Y(b) must only be used for weighing ballast or waste.

(4) An automatic catchweigher must not be used for trade in circumstances—

- (a) in which it may be prevented from operating consistently or accurately; or

(b) which are likely prematurely to degrade its metrological characteristics.

(5) For the purposes of paragraph (3), “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 and installation

21.—(1) Every automatic catchweigher must be positioned so as to facilitate cleaning and testing.

(2) The installation of an automatic catchweigher must be so designed that an automatic weighing operation will be the same for testing as for use for a transaction.

(3) If an automatic catchweigher has any special equipment for its control which is not a permanent fixture of the catchweigher, it must be kept in the vicinity of the catchweigher.

PART 6

AUTOMATIC GRAVIMETRIC FILLING INSTRUMENTS

22.—(1) No person may use for trade an automatic gravimetric filling instrument unless—

- (a) it is compliant with the essential requirements other than the provisions relating to permissible errors;
- (b) the instrument operates within the limits of the maximum permissible error determined in accordance with paragraph 23;
- (c) the requirements of paragraphs 24 and 25 are complied with;
- (d) it has been erected and installed in accordance with the requirements of paragraph 26;
- (e) subject to paragraph (f), where test fills are required these limits are determined on the basis of consecutive fills; and
- (f) in the case of an instrument of the description and maximum capacity set out respectively, in columns 1 and 2 of the Table set out in this paragraph, it is within the accuracy class specified for that instrument in column 3 or within an accuracy class of a higher level of precision than the specified class.

Accuracy classes for automatic gravimetric filling instruments used for trade

<i>Description of use of filling instrument</i>	<i>Maximum capacity of filling instruments</i>	<i>Accuracy Class</i>
(1)	(2)	(3)
For use for weighing potato crisps and other snack foods	Any capacity	X(2)
For use for weighing solid fuel	110 kg or less	X(1)
For use for weighing vegetable produce	55 kg or less	X(1)
For weighing waste	Any capacity	X(1)
For use for weighing materials not described in any of the above	Less than 5 kg	X(1)
	5 kg or more	X(0.5)

Maximum permissible error

23.—(1) A automatic gravimetric filling instrument shall have a specified accuracy class X(x) for which the maximum permissible error value of each fill from the average shall be equal to the limits specified in the following table, multiplied by the class designation factor (x) calculated in accordance with sub-paragraph (2)—

<i>Value of the mass of the fills (m) in grams</i>	<i>Maximum permissible deviation of each fill from the average for class X(1)</i>
	In use
$m \leq 50$	9%
$50 < m \leq 100$	4.5 grams
$100 < m \leq 200$	4.5%
$200 < m \leq 300$	9 grams
$300 < m \leq 500$	3%
$500 < m \leq 1000$	15 grams
$1\,000 < m \leq 10\,000$	1.5%
$10\,000 < m \leq 15\,000$	150 grams
$15\,000 < m$	1%

(2) In sub-paragraph (1), (x) shall be 1×10^k , 2×10^k , 5×10^k , k being a positive or negative whole number or zero.

(3) For in-service testing, when the reference particle mass exceeds 0.1 of the maximum permissible in-service deviation, the values derived from the table in sub-paragraph (1) shall be increased by 1.5 times the value of the reference particle mass. However the maximum value of the maximum permissible deviation shall not exceed (x) by 9%.

(4) Particle mass correction is not applicable to limits which are derived from the table in sub-paragraph (1) including influence quality tests and zero setting.

(5) The table in sub-paragraph (1) is illustrative of the maximum permissible deviation where the class designation factor is 1.

Manner of use

24.—(1) Where an automatic gravimetric filling instrument is marked with a temperature range, it must not be used for trade in temperatures outside that range.

(2) Where an automatic gravimetric filling 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.

(3) An automatic gravimetric filling instrument must only be used for trade for the purpose of weighing material the value of which, expressed in units of measurement of mass, is neither less than the value of the minimum capacity nor more than the value of the maximum capacity.

(4) An automatic gravimetric filling instrument must not be used for trade in circumstances—

- (a) in which it may be prevented from operating consistently or accurately; or
- (b) which are likely prematurely to degrade its metrological characteristics.

Automatic gravimetric filling instruments to be set to zero

25.—(1) Subject to sub-paragraph (2), a person must not use an automatic gravimetric filling 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 an instrument if it is designed so as not to balance when unloaded.

Manner of erection and installation

26.—(1) Every automatic gravimetric filling instrument must be so positioned as to facilitate cleaning and testing.

(2) Any special equipment for the control of measuring tasks performed by an automatic gravimetric filling instrument which is not a permanent fixture of the instrument must be kept in the vicinity of the instrument.

PART 7

AUTOMATIC DISCONTINUOUS TOTALISERS

Requirements for use for trade

27. No person shall use for trade an automatic discontinuous totaliser unless—

- (a) it is compliant with—
 - (i) the essential requirements other than the provisions relating to maximum permissible errors;
 - (ii) the requirements of paragraph 28;
- (b) it has been erected and installed in accordance with the requirements of paragraph 29; and
- (c) in the case of a totaliser falling within an accuracy class set out in column 1 of the following Table, it falls within the maximum permissible error for that class set out in column 2 of that Table.

<i>(1)</i> <i>Accuracy class</i>	<i>(2)</i> <i>Maximum permissible error of totalised load</i>
0.2	± 0.2%
0.5	± 0.5%
1	± 1.0%
2	± 2.0%

Manner of use

28.—(1) Where an automatic discontinuous totaliser is marked with a temperature range, it must not be used for trade in temperatures outside that range.

(2) Where an automatic discontinuous totaliser 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.

(3) An automatic discontinuous totaliser shall only be used for trade for the purpose of weighing material the value of which, expressed in units of measurement of mass, is not—

- (a) less than the minimum totalised load;
 - (b) less than the value of the minimum capacity unless processed as the last discrete load of a trade transaction; or
 - (c) more than the value of the maximum capacity.
- (4) An automatic discontinuous totaliser must not be used for trade in such a manner as to cause—
- (a) spillage of material from the load receptor; or
 - (b) loading of the weighing unit above its maximum capacity.
- (5) An automatic discontinuous totaliser must not be used for trade in circumstances—
- (a) in which it may be prevented from operating consistently or accurately; or
 - (b) which are likely prematurely to degrade its metrological characteristics.

Manner of erection and installation

29.—(1) An automatic discontinuous totaliser must be so positioned as to facilitate cleaning and testing.

(2) If any special equipment for an automatic discontinuous totaliser is not a permanent fixture of the instrument, it must be kept in the vicinity of the instrument.

(3) In this paragraph “special equipment” means equipment to allow the control of the measuring tasks.

(4) An automatic discontinuous totaliser which has either a non-automatic zero-setting device or semi-automatic zero setting device must be erected in such a manner that the operator can readily take up a position from which he can check the zero and operate the zero setting controls.

PART 8

AUTOMATIC RAIL WEIGHBRIDGES

Requirements for use for trade

30. No person shall use for trade an automatic rail-weighbridge unless—

- (a) it is compliant with the essential requirements other than the provisions relating to maximum permissible errors;
- (b) it is erected and installed in accordance with paragraph 31;
- (c) it operates within the maximum permissible errors in paragraph 32;
- (d) the requirements of paragraph 33 are complied with.

Manner of erection and installation

31.—(1) Every automatic rail-weighbridge must be—

- (a) so positioned as to facilitate cleaning and testing; and
- (b) installed so that the weighing operation is the same for testing as it is for a transaction.

(2) If the weighing mechanism of the automatic rail-weighbridge is contained in a pit, there must be provision for drainage to ensure that no portion of the rail-weighbridge becomes submerged or partially submerged in any liquid.

Maximum permissible error and accuracy class

32.—(1) Where an automatic rail-weighbridge falls within an accuracy class in column 1 of the following Table, the rail-weighbridge must operate within the maximum permissible error specified for that class in column 2 of that Table—

<i>Column 1</i> <i>Accuracy class</i>	<i>Column 2</i> <i>Maximum permissible error as a percentage of the mass of a single wagon or total train</i>
0.2	± 0.2%
0.5	± 0.5%
1	± 1.0%
2	± 2.0%

(2) Where an automatic rail-weighbridge falls within an accuracy class 2, it shall only be used for trade for the weighing of a wagon loaded with—

- (a) any of the materials to which the expression “ballast” applies in Schedule 4 of the 1985 Act;
- (b) any material the disposal of which constitutes a landfill disposal as defined in section 70(2) of the Finance Act 1996 ^{M82}, whether or not the disposal amounts to a taxable disposal as defined in section 40 of that Act; or
- (c) waste.

(3) For the purposes of paragraph (2)(c), “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.

Marginal Citations

M82 1996 c.8.

Manner of use

33.—(1) Where an automatic rail-weighbridge is marked with—

- (a) a temperature range, it must not be used for trade in temperatures outside that range;
- (b) a weight measurement range, it must not be used for trade in a manner or for a purpose that does not accord with that marking.

(2) Where an automatic rail-weighbridge 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.

(3) An automatic rail-weighbridge must not be used for trade—

- (a) unless it is properly balanced or set to zero immediately prior to use; or
- (b) in circumstances—
 - (i) in which it may be prevented from operating consistently or accurately; or
 - (ii) which are likely prematurely to degrade its metrological characteristics.

(4) Where an automatic rail-weighbridge is fitted with a printing device, the rail-weighbridge must not be used for trade unless the printing device produces a printout which—

- (a) indicates the weight of each wagon weighed or, in the case of a total train, the weight of that total train;
- (b) indicates which wagon, if any, has travelled over the load receptor at a speed outside the range of operating speeds; and
- (c) is not altered due to any wagon travelling over the load receptor more than once.

PART 9

BELTWEIGHERS

Requirements for use for trade

34. No person shall use for trade a beltweigher unless—

- (a) it is compliant with the essential requirements other than the provisions relating to maximum permissible errors;
- (b) the requirements of paragraphs 35 and 36 are complied with;
- (c) it has been erected and installed in accordance with the requirements of paragraph 37; and
- (d) in the case of a beltweigher which is stated to be of an accuracy class set out in column 1 of the Table set out in this paragraph it is within the maximum permissible error for that accuracy class as set out in column 2 of that Table.

<i>Column (1)</i> Accuracy Class	<i>Column 2</i> Maximum permissible error for totalised load
0.5	± 0.5%
1	± 1.0%
2	± 2.0%

Manner of use

35.—(1) Where a beltweigher is marked with a temperature range, it must not be used for trade in temperatures outside that range.

(2) Where a beltweigher 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.

(3) A beltweigher of accuracy class 2 must only be used for trade for weighing any of the materials to which the term “ballast” applies in Schedule 4 of the 1985 Act.

(4) A beltweigher must not be used for trade in such a manner as to cause—

- (a) spillage of material from the belt; or
- (b) loading of the weighing unit above its maximum capacity.

(5) A beltweigher must not be used for trade in circumstances—

- (a) in which it may be prevented from operating consistently or accurately; or
- (b) in which are likely prematurely to degrade its metrological characteristics.

Position of the operator

36. Every beltweigher must be erected in such a manner that the operator can readily take up a position from which he can—

- (a) read any indication of zero totalisation;
- (b) operate any zero-setting control; and
- (c) see whether the belt passing over the weighing unit is empty.

Manner of erection and installation

37.—(1) Every beltweigher must be positioned so as to facilitate cleaning and testing.

(2) The installation of a beltweigher must be so designed that an automatic weighing operation will be the same for testing as for a transaction.

(3) Every beltweigher must be erected in such a way that it is possible to carry out a material test in a place where it is to be used, including in particular the depositing on, or removal from, the belt of material test loads in a reliable and easy manner, without disrupting the normal operation of the beltweigher.

(4) Any special equipment for the control of the measuring tasks of a beltweigher which is not a permanent fixture of the beltweigher, must be kept in the vicinity of the beltweigher.

PART 10

MATERIAL MEASURES OF LENGTH

Requirements for use for trade

38. No person shall use for trade a material measure of length unless—

- (a) it is compliant with the essential requirements other than the provisions relating to limits of maximum permissible errors;
- (b) it operates within twice the limits of maximum permissible error referred to in the essential requirements; and
- (c) the requirements of paragraph 39 are complied with.

Manner of use

39.—(1) Where a material measure of length is marked with a temperature range, it must not be used for trade in temperatures outside that range.

(2) Where a measure bears an inscription 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 inscription.

(3) No person shall use a material measure of length for trade in such manner as to expose it to environmental or other influences which may adversely affect its accuracy or function

PART 11

CAPACITY SERVING MEASURES

Requirements for use for trade

- 40.** No person shall use for trade a capacity serving measure unless—
- (a) it is compliant with the essential requirements;
 - (b) the requirements of 41 are complied with; and
 - (c) it does not bear any decorations or designs which may cause confusion in use.

Manner of use

41. No person shall use for trade a capacity serving measure for the measurement of intoxicating liquor before its transfer to a container in which the buyer is to receive it, unless the buyer has a clear and unobstructed view of the measurement and transfer.

SCHEDULE 7

Regulations 33(4), 60(8) and 66(4)

MONETARY PENALTIES

Introduction

1. This Schedule applies in relation to the imposition by the Secretary of State of a monetary penalty under these Regulations.

Procedure

2.—(1) Before imposing a monetary penalty under these Regulations, the Secretary of State must notify the economic operator of the Secretary of State's intention to do so.

- (2) The notice must—
- (a) specify the proposed amount of the penalty which must not exceed £50,000;
 - (b) specify the Secretary of State's reasons for proposing to impose the penalty;
 - (c) specify the period during which the [economic operator] may make representations about the proposal (“the specified period”), and
 - (d) specify the way those representations may be made.

(3) The specified period must not be less than 28 days beginning with the date on which the notice is received.

(4) The Secretary of State must have regard to any representations made by the economic operator during the specified period in deciding whether to impose a monetary penalty on it.

(5) Having decided whether or not to impose a monetary penalty, the Secretary of State must notify the economic operator of its decision.

(6) Where the decision is to impose a monetary penalty, the notice must specify—

- (a) the amount of the penalty, and
- (b) the period within which the penalty must be paid

(7) The notice must also contain information as to—

- (a) the grounds for imposing the penalty,
- (b) how payment may be made,
- (c) rights of appeal,
- (d) the period within which an appeal may be made, and
- (e) the consequences of non-payment.

(8) The requirement to pay the penalty is suspended at any time when an appeal could be brought in respect of the penalty or such an appeal is pending.

(9) But that does not prevent the requirement to pay taking effect if the economic operator on whom the penalty is imposed notifies the Secretary of State that it does not intend to appeal.

Appeals

3.—(1) An economic operator on whom a penalty is imposed may appeal to the First-tier Tribunal against—

- (a) a decision under any provision of these Regulations to impose a penalty;
- (b) a decision as to the amount of the penalty.

(2) An appeal may be made under this paragraph may be made on the grounds—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable.

(3) On an appeal under this paragraph, the Tribunal may—

- (a) withdraw the requirement to pay the penalty;
- (b) confirm the requirement;
- (c) vary that requirement;
- (d) remit the decision whether to confirm the requirement to pay the penalty, or any matter relating to that decision to that decision, to the Secretary of State

Interest and recovery

4.—(1) This paragraph applies if all or part of a monetary penalty imposed under these Regulations is unpaid by the time when it is required to be paid.

(2) The unpaid amount of a penalty for the time being—

- (a) carries interest at a rate for the time being specified in section 17 of the Judgments Act 1838^{M83}, and
- (b) does not also carry interest as a judgment debt under that section.

(3) The total amount of interest imposed under sub-paragraph (2) must not exceed the amount of the penalty.

(4) The Secretary of State may recover from the economic operator on whom it is imposed as a civil debt, the unpaid amount of the penalty and any unpaid interest.

(5) Any sums received by the Secretary of State by way of a penalty imposed under these Regulations or interest under this paragraph must be paid into the Consolidated Fund.

Marginal Citations

M83 1838 c.110.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Directive 2014/32/EU of the European Parliament and of the Council of 26th February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of measuring instruments. These Regulations revoke and replace the instruments listed in Schedule 3, paragraph 1. The Regulations draw a distinction between “regulated measuring” instruments and “non-prescribed measuring instruments”. The former (which are listed in regulation 3(2)) are required to meet the technical specifications (referred to as “essential requirements”) which are set out in the Directive and referred to in Schedule 1 to the Regulations. On the other hand, “non-prescribed measuring instruments” (any measuring instrument referred to in Regulation 3(1) but which is not a regulated measuring instrument) are not regulated in the United Kingdom but provision is made to allow them to meet the applicable essential requirements where the instrument is for export to a EEA state which requires compliance with the essential requirements.

Part 1 of the Regulations contains definitions, revocations and transitional provisions and an exemption from the requirements of the Regulations in relation to trade fairs, exhibitions and demonstrations.

Part 2 of the Regulations sets out the obligations of economic operators (manufacturers, importers and distributors) in relation to the marketing of regulated measuring instruments in the United Kingdom and in particular to ensure that they meet the essential requirements applicable to those instruments. Part 3 of the Regulations makes provision for the establishment of compliance with the essential requirements of non-prescribed measuring instruments.

Part 4 of the Regulations contains provisions as to how compliance with the essential requirements is to be achieved and the application of conformity assessment procedures to establish compliance with the essential requirements by bodies designated by EEA states (which are referred to in the Regulations as “notified bodies”) and related matters.

Part 5 of the Regulations makes provision for the designation of notified bodies and their notification to the European Commission. Part 6 of the Regulations contains provisions that regulate the use for trade of the measuring instruments referred to in regulation 61.

Part 7 of the Regulations makes provision for market surveillance in relation to regulated measuring instruments and enforcement of the Regulations. Part 8 of the Regulations makes provision in relation to the unauthorised application of marks and provision in relation to penalties for offences, defences and the criminal liability of persons other than a principal offender. Part 9 of the Regulations contains miscellaneous and supplemental provisions.

A draft of these Regulations was notified to the European Commission in accordance with Directive 98/34/EC of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations (OJ L 204, 21.7.1998, p.37) as amended by Directive 98/48/EC (OJ L 217, 5.8.1998, p.18).

A transposition not and an impact assessment of the effect that this instrument will have on the costs of business, the public sector and voluntary sector is available from the Regulatory

Changes to legislation: There are currently no known outstanding effects for the
The Measuring Instruments Regulations 2016. (See end of Document for details)

Delivery Directorate 1 Victoria Street, London SW1 0ET. They are available with the explanatory memorandum on www.legislation.gov.uk.

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There are currently no known outstanding effects for the The Measuring Instruments Regulations 2016.