CONSULTATION ON PROPOSALS FOR THE WEIGHING EQUIPMENT (AUTOMATIC CATCHWEIGHING INSTRUMENTS) REGULATIONS

Contents:
(i) Executive summary and proposed actions
(ii) Purpose of consultation
(iii) Comments received, analysis of them and conclusions

Annex 1 Consultation document

Veronica Truscott
October 2003

Project 1.1.5AA Code 1023

(i) EXECUTIVE SUMMARY AND PROPOSED ACTIONS

1. The primary reason for drafting the proposed Weighing Equipment (Automatic Catchweighing Instruments) Regulations (“the proposed Regulations”) was to enable the UK to meet its international (moral) obligation to implement the requirements of Recommendation R51 (hereafter referred to as “R51”) of the International Organisation of Legal Metrology (OIML), the full title of which is ‘OIML International Recommendation Automatic catchweighing instruments Part 1: Metrological and technical requirements - Tests’ and ‘Part 2: Test report format’. The implementation of this OIML Recommendation through the proposed Regulations will assist in the promotion of free movement of these measuring instruments, and will help to reduce barriers to trade both at European level and world-wide. The proposed Regulations will apply to Great Britain only; Northern Ireland makes its own Regulations. Checkweighing and weight-grading instruments are not currently prescribed by national legislation and, although they are covered by R51, there are no plans to make them prescribed instruments in the proposed Regulations.

The proposed Regulations will apply only to those automatic catchweighing instruments (“catchweighers”) which currently fall into accuracy classes III and IIII of The Weighing Equipment (Non-automatic Weighing Machines) Regulations 2000, S.I. 2000/932 (“the 2000 Regulations”), under which catchweighers have hitherto been prescribed; (others will still be subject to the 2000 Regulations).

The proposed Regulations provide for:
♦ the purposes for which catchweighers could be used for trade
♦ the principles of their construction and marking
♦ the manner of erection, installation, and use
♦ their testing, passing as fit for use for trade, stamping, and obliteration of stamps
♦ prescribed limits of error

2. A copy of the consultation document that was sent to interested parties is attached at Annex 1.

3. Comments on the consultation were received from Angus Council (G Begg) and Aberdeen City Council (W Fraser) via the Convention of Scottish Local Authorities, Flintab Limited (P Widgren), the European Commission, TSI, Sulo MGB Ltd (A Waller).

4. Suggested actions stemming from the consultation are:
to consider making provisions for weighing ‘recyclable materials’ rather than ‘waste’

♦ to require a ‘control instrument’ to be suitable

♦ to consider explaining that the values of ‘maximum capacity’ and ‘minimum capacity’ do not include the container holding the material to be weighed

♦ to provide some clear means for identifying exactly when an instrument had been first verified and which sets of Regulations applied

♦ to amend the 2000 Regulations to provide for the disapplication of catchweighers of accuracy classification Class III or Class IIII

♦ to explain how the proposed Regulations deal with catchweighers used for the determination of postal tariffs

♦ to transfer the definition of ‘initial verification testing’ to proposed regulation 2(2)

♦ to clarify that instruments at a place other than the intended place of use should be ‘tested’ rather than ‘examined’

♦ to explain the form and application of verification marks on instruments imported or exported into or from Great Britain from or into other EEA States

♦ to explain why the proposed Regulations do not apply to instruments marked with the EEC initial verification mark

♦ to include the required mutual recognition clause in the proposed Regulations

♦ to clarify the provision on ‘tilting’ to 1% or less

♦ to clarify the provisions on ‘descriptive markings’

♦ to explain the practicality of ascertaining certain ‘maximum permissible errors’ on a digital readout in automatic operation

♦ to include the text of R51 within the proposed Regulations

♦ to mention in the draft Regulatory Impact Assessment (RIA) that Trading Standards Officers would probably incur training costs as a result of the proposed Regulations being implemented

In addition, some further amendments were suggested for technical reasons.

(ii) PURPOSE OF CONSULTATION

5. The purpose of the consultation was to seek views on the proposed Regulations. Comments were also sought on the draft partial RIA. The proposed Regulations make the following changes of substance from the 2000 Regulations:

♦ they allow instruments that fall into the lowest accuracy class to be used for weighing waste as well as ballast;

♦ they make new requirements for the marking of instruments, including for instruments to bear the marking “R51”;

♦ they make new requirements for the construction, erection and installation of instruments, and relating to their use;

♦ a person in possession of an instrument which requires testing may be required to provide a control instrument for the inspector's use;

♦ the tests that will be applied to instruments and the error limits to be applied derive directly from R51; and

♦ they provide for the testing of instruments to be carried out at a place other than the place of use under certain conditions.
(III) COMMENTS RECEIVED, ANALYSIS OF THEM AND CONCLUSION

6. **Comments Received**

Description of the proposed Regulations – paragraph 7(a)

<table>
<thead>
<tr>
<th>Source</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sulo MGB Ltd - A Waller</td>
<td>Weighing waste ‘or recyclable materials’ e.g. waste is assumed to be of no value whereas recyclables have a value. (A)</td>
</tr>
</tbody>
</table>

**Regulation 2(2)**

<table>
<thead>
<tr>
<th>Source</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>TSI</td>
<td>Would like to see a requirement for a ‘control instrument’ to be ‘suitable’. (B)</td>
</tr>
<tr>
<td>Sulo MGB Ltd - A Waller</td>
<td>Maximum capacity/minimum capacity – perhaps consider a note to say that these values do not include the package (in our case the wheeled bin) that contains the material to be weighed. For weighing waste the wheeled bin is not the load receptor or the load. (C)</td>
</tr>
</tbody>
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**Regulation 3, 4 and Schedule 4**

<table>
<thead>
<tr>
<th>Source</th>
<th>Comment</th>
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<tbody>
<tr>
<td>TSI</td>
<td>TSOs often encounter instruments with incomplete or illegible data plates, so requested some clear means for identifying exactly when an instrument had been first verified and which sets of Regulations applied. Would find this particularly helpful where instruments may have been verified outside the area of the Authority where they are in use. (D)</td>
</tr>
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</table>

**Regulation 3(5)**

<table>
<thead>
<tr>
<th>Source</th>
<th>Comment</th>
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<tbody>
<tr>
<td>TSI</td>
<td>It would be helpful to see a corresponding amendment to S.I. 2000/932 to reflect this provision, so that the reader of those Regulations knows that another set of Regulations takes precedence. (E)</td>
</tr>
</tbody>
</table>

**Regulation 5(b) and Schedule 2**

<table>
<thead>
<tr>
<th>Source</th>
<th>Comment</th>
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<tbody>
<tr>
<td>Flintab Limited - P Widgren</td>
<td>Instruments of Class Y(b) are proposed to be used only for weighing ballast or waste. Flintab currently have a UK national approval to Class Y(b) for automatic catchweighers used for determination of postal tariffs. How will the new Regulations deal with this type of application? Will it be considered as an automatic weight grading instrument as mentioned under Annex A, paragraph 2(1)(a)(i)? (F)</td>
</tr>
</tbody>
</table>

**Regulation 6(c)**

<table>
<thead>
<tr>
<th>Source</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>TSI</td>
<td>Suggested the word ‘where’ in line 4 might be superfluous, and the entire ‘definition’ might be best simply transferred to regulation 2(2). (G)</td>
</tr>
</tbody>
</table>

**Regulations 7(3) and (4)**

<table>
<thead>
<tr>
<th>Source</th>
<th>Comment</th>
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</thead>
<tbody>
<tr>
<td>TSI</td>
<td>Indicated some potential for confusion between these sets of requirements, because ‘testing’ for the purposes of initial verification seemed to be unnecessarily limited to instruments ‘in situ’, or those that could be transported without dismantling, whilst the remainder would undergo ‘examination’. (H)</td>
</tr>
</tbody>
</table>
**Regulations 8 and 3(4)**

| Angus Council - G Begg | Makes the usual provision for instruments imported into the UK from EEA states i.e. an inspector should not do an initial verification test if all appropriate criteria are met.  
  
  Who then applies the verification mark to these machines? Do we apply a Crown stamp, even though we have not tested it to verification standards? We may not necessarily have to test it at all. If the verification mark is applied in the EEA state, what form would the mark take? If it is the mark of EEC verification then regulation 3(4) says that the regulations will not apply to these machines.  
  
  What would be the scenario if a machine intended for ‘export’ to an EEA country was submitted to an inspector in the UK. Should it be crown stamped or EC stamped prior to its export along with the appropriate test documentation? (F)  
  
  What is the reasoning for excluding those instruments marked with the EEC initial verification mark. (I) |

**Regulations 8 and 9**

| The European Commission | Commented on the absence of a satisfactory mutual recognition clause on ‘requisite documentation’ – regulations 8 and 9 should be modified to allow acceptance of other verification procedures and formats of test reports which are eventually applied in other Member States and offer an equivalent level of metrological control. (J) |

**Schedule 2 – Tilting (Principle from Clause 2.9.3 of OIML R51)**

| Sulo MGB Ltd - A Waller | Said it is difficult to understand statement ‘Where a catchweigher is fitted with one or more level indicating devices they shall enable the instrument to be set to a tilt of 1% or less.’. Suggested it should be reworded ‘where a catchweigher is fitted with one or more level indicating devices they shall prevent the weighing operation at angle greater than 1%. (K) |

**Schedule 4**

| Aberdeen City Council – W Fraser | The schedule is confusing – it is assumed that each weighing instrument will require to be marked with:  
  
  [a] accuracy class  
  [b] certificate of approved number  
  
  However Schedule 4 refers to:  
  
  3.8.1 pt 3 – ‘type designation’  
  3.8.2 pt 1 – ‘pattern approval sign’  
  pt 2 – ‘class of accuracy’  
  3.8.3 pt 1 – ‘pattern approval certificate’  
  3.8.4 pt 1 – ‘type and designation of the instrument’  
  pt 3 – ‘pattern approval number’ (F)  
  
  3.9.2 What does ‘shall ensure the conversion of the mark’ mean – there is a need for clarification. (L) |

| Angus Council - G Begg | What do they mean in the 1st paragraph when they refer to the ‘conversion of the marks’ in section 3.9.2 of Schedule 4? (L) |
Schedule 5, Table 1

| Aberdeen City Council – W Fraser | How is it practically possible to ascertain these errors on a digital readout in **automatic operation**. 1.5e and 2.5e can be ascertained from the actual readout but for 2e, 3e and 4e there is a need to apply change over weights. There is no value in specifying errors if they cannot be verified. (F) |

OIML Recommendations (M)

| TSI | Regretted the practice of reproducing selective passages from the relevant OIML Recommendation, thus requiring officers to consult two sets of documents rather than one. |

| Aberdeen City Council – W Fraser | Asked if any definitions and/or procedures from OIML R51 which might shed light on his comments could be included in these Regulations. |

Draft Regulatory Impact Assessment - paragraph 10

| TSI | Pointed out that Local Authorities would incur some training costs. (N) |

There were no comments from LACORS (then LACOTS), the National Consumer Council or the Institute of Packaging, although LACORS supported TSI’s comments, particularly regarding OIML Recommendations.

7. **NWML response to comments**

(A) NWML’s definition is broader than ‘recyclable materials’, and needs to be because the transactions it covers involve a charge, related to the weight of the waste.

(B) The Regulations require a ‘control instrument’ to be suitable to the extent that such an instrument is required to meet an appropriate level of accuracy at all stages of testing - regulations 6(c) and 13(1)(a) refer to clause 5.3 of Part 1 of OIML R51, which in turn refers to the test methods in clause 6, including clause 6.1.6 regarding the accuracy requirements for a control instrument.

(C) This comment highlighted the need to replace the definitions of maximum and minimum capacity given in the Regulations with those given in OIML R51, as this is the Recommendation that is being implemented. Regulation 2(1) - formerly regulation 2(2) - of the Regulations has been amended to that effect.

(D) Under regulation 6(b) and Schedule 4, it is clear which set of Regulations apply because the instruments will be stamped ‘R51’. Although, unfortunately, nothing can be done in this respect for existing instruments, NWML will bear this point in mind when drafting other regulations in the future.

(E) Regulation 3(5) in the consultation document has become regulation 17(1) in the proposed Regulations, which amends the 2000 Regulations.

(F) As these points do not pertain to amendment of the Regulations, they will be taken into account when we write the Notes for Guidance on Automatic Catchweighing Instruments.

(G) The word ‘where’ has been deleted. NWML considered transferring the definition to regulation 2(1) - formerly regulation 2(2) - and concluded that it should remain in regulation 6(c) because that has been the format used in other OIML implementations and, as such, is well understood.
Regulations 8(3) and 8(4) – formerly 7(3) and 7(4) - have been redrafted to clearly and consistently set out provisions for testing both 'in situ' and elsewhere.

Proposed regulation 3(4) has been deleted from the Regulations because it had been included in error.

The relevant regulations (now regulations 9 and 10) have been revised to reflect the European Commission's comments.

This comment highlighted the need to amend the wording in question to reflect accurately the information given in Clause 2.9.3 of OIML R51, as this is the Recommendation that the Regulations are implementing. Schedule 3 (formerly Schedule 2) of the Regulations has been amended to this effect.

The word ‘conversion’ has been replaced with the word ‘conservation’.

Officers will require a copy of OIML R51 to refer to the test report. Free electronic access via password to OIML R51, Parts 1 and 2, is available to Trading Standards Departments via the following link: http://www.nwml.gov.uk/inter/oimlr.asp.

This point has been covered in paragraph 5(ii) of the final Regulatory Impact Assessment.

Conclusion

8. The proposed Regulations have been amended to reflect the outcome of the consultation exercise.
GOVERNMENT CONSULTATION DOCUMENT
ON WEIGHTS AND MEASURES

PROPOSALS FOR THE WEIGHING EQUIPMENT (AUTOMATIC CATCHWEIGHING INSTRUMENTS)
REGULATIONS

28 APRIL 2000

Comments on the proposals in this consultation document should be submitted by 1 August 2000 to

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Middlesex
TW11 0JZ

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Telephone: 020 8943 7280
Fax: 020 8943 7270

Anna Parker will be happy to answer any questions on the proposals, and Ann Mohan (020 8943 7261) will be pleased to supply further copies of the document.

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PROPOSALS FOR

THE WEIGHING EQUIPMENT (AUTOMATIC CATCHWEIGHING INSTRUMENTS) REGULATIONS

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Draft Regulatory Impact Assessment (RIA) Annex C
Form for comments Annex D
INTRODUCTION AND SUMMARY

1 The purpose of this consultation document is to seek views on the proposed Weighing Equipment (Automatic Catchweighing Instruments) Regulations (“the proposed Regulations”) at Annex A. The proposed Regulations would be made exercising the powers contained in sections 15(1) and 86(1) of the Weights and Measures Act 1985. The form at Annex D may be used for the purpose of submitting comments, or comments can be submitted by e-mail to: anna.parker@nwml.dti.gov.uk. Please clearly identify yourself, your organisation (if your organisation has a membership please say who the members are and how many there are) and the provision(s) on which you are commenting. Comments are also sought on the draft Regulatory Impact Assessment (RIA) at Annex D (see also paragraph 13 below).

2 The primary reason for the drafting of the proposed Regulations is to enable the UK to meet its international (moral) obligation to implement the requirements of the Recommendation R51 (hereafter referred to as “R51”) of the International Organisation of Legal Metrology (OIML), the full title of which is ‘OIML International Recommendation Automatic catchweighing instruments Part 1: Metrological and technical requirements - Tests’ and ‘Part 2: Test report format’. The implementation of this OIML Recommendation through the proposed Regulations will assist in the promotion of free movement of these measuring instruments, and will help to reduce barriers to trade both at European level and worldwide. NWML has been closely involved with the work of OIML in producing R51. Note however that the proposed Regulations will only apply to Great Britain - Northern Ireland makes its own Regulations. The Regulations will be made under the relevant powers within the Weights and Measures Act 1985 (“the 1985 Act”). Checkweighing instruments and weight-grading instruments are not currently prescribed by national legislation and, although they are covered by R51, there are no plans to make checkweighers or weight-graders prescribed instruments. Whenever catchweighers are mentioned in this document it should be taken to mean catchweighing instruments that are not checkweighers or weight-graders.

3 The proposed Regulations will prescribe for the purposes of the Weights and Measures Act 1985 automatic catchweighing instruments passed as fit for use for trade from the date on which the proposed Regulations come into force. These instruments have hitherto been prescribed by The Weighing Equipment (Non-automatic Weighing Machines) Regulations 2000 (“the 2000 Regulations”) - SI 2000/932. The 2000 Regulations will continue to apply to any catchweighing machine which was first passed as fit for use for trade under those Regulations either prior to, or within a period of ten years from, the date on which the proposed Regulations come into force. In addition, it will be possible for manufacturers to apply for variants to type approvals that precede the making of the proposed Regulations (provided the original approval is still valid) and to have instruments which are made in accordance with such approved variants to be first passed as fit for use for trade within the ten year period from when the proposed Regulations come into force. It is proposed that the coming into force date of the proposed Regulations will be delayed by four months, so that manufacturers will have this period in which to continue with applications for planned type approvals under the 2000 Regulations. The proposed Regulations will not apply to catchweighing instruments put into use for trade before the proposed Regulations come into force. Non-automatic catchweighing instruments, which fall outside the scope of R51, are provided for by the Non-automatic Weighing Instruments (EEC Requirements) Regulations 1995.

DESCRIPTION OF THE PROPOSED REGULATIONS

4 The proposed Regulations will prescribe automatic catchweighing instruments for the purposes of section 11(1) of the 1985 Act; and make it unlawful for such instruments to be used for trade unless they have been tested, passed as fit for use for trade and stamped by an inspector of weights and measures. The pattern approval requirements of R51 are not specifically incorporated into the proposed Regulations since the proposed Regulations will take effect from the point at which the instruments are taken into use. Prior to this, the pattern approval requirements will be taken into account when the manufacturer applies for a certificate of approval pursuant to section 12 of the 1985 Act. requirements of R51 relating to pattern approval are not incorporated specifically in the proposed Regulations since these will be taken into account prior to a certificate of approval being issued pursuant to section 12 of the 1985 Act.

5 The proposed Regulations will provide for:

(a) the purposes for which automatic catchweighing instruments could be used for trade;
(b) the principles of their construction and marking;
(c) the manner of erection, installation, and use;
(d) their testing, passing as fit for use for trade, stamping, and obliteration of stamps; and
(e) prescribed limits of error.

6 The proposed Regulations will apply only to those catchweighing instruments which currently fall into accuracy classes III and IIII of the 2000 Regulations (others will still be subject to the 2000 Regulations);

7 In implementing the requirements of R51, the proposed Regulations make the following changes of substance from the 2000 Regulations:

(a) they allow instruments that fall into the lowest accuracy class to be used for weighing waste as well as ballast;
(b) they make new requirements for the marking of instruments, including for instruments to bear the marking “R51” (this latter requirement does not derive from R51 itself, but is intended to enable inspectors to know whether an instrument was passed under the 2000 Regulations or the proposed Regulations);
(c) they make new requirements for the construction, erection and installation of instruments, and relating to their use;
(d) a person in possession of an instrument which requires testing may be required to provide a control instrument for the inspector’s use; and
(e) the tests that will be applied to instruments and the error limits to be applied derive directly from R51.

8 A further change that will be made by the proposed Regulations does not derive from R51, but reflects similar amendments that have been made in respect of other weighing and measuring instruments for reasons of policy. The proposed Regulations provide for the testing of instruments to be carried out at a place other than the place of use, where the inspector is satisfied that any subsequent dismantling, re-assembly or transportation to the intended place of use will not affect the accuracy or function of an instrument.

9 In preparing the proposed Regulations, some consideration was given to assigning appropriate limits of error to instruments which are used for certain purposes. There are no accuracy classes in R51 which correspond to accuracy classes I and II of the 2000 Regulations. The proposed Regulations will not, therefore, apply to instruments which meet the requirements for those classes. Accuracy class III of the 2000 Regulations approximately corresponds with class Y(a) of the proposed Regulations, and accuracy class IIII of the 2000 Regulations approximately corresponds with class Y(b) of the proposed Regulations. We have made provision for the lower accuracy class of instrument, Y(b), to be used for the weighing of waste, as well as ballast. We would be particularly interested to receive comments on this aspect of the proposed Regulations from those who use automatic catchweighing instruments for the purposes of weighing waste and ballast.

BENEFITS TO BUSINESS

10 Manufacturers who make instruments for both the British market and for other OIML signatory countries will benefit from the proposed Regulations in that they will have to meet only one set of requirements (where other signatories have also implemented R51 nationally), although the proposed Regulations apply to Great Britain only.
11 Manufacturers and importers may save testing fees as a result of the provisions of the proposed Regulations, which will allow imported instruments to be passed as fit for use for trade on the basis of the results of tests carried out in another EU or EEA member country.

12 Manufacturers, installers and users may benefit from the provisions which clarify that testing of all instruments (not just those that have been imported) may be carried out at a place other than at their place of use, which will provide greater flexibility.

REGULATORY IMPACT

13 In considering proposals for new Regulations the Government places great importance on giving due weight to business' perception of the likely impact of the proposals on business. To measure this impact a Regulatory Impact Assessment (RIA) is produced for all such proposals and made available to businesses on request. A draft RIA which deals with the proposals in the proposed Regulations is attached at Annex C. In giving your views on the proposals in this document it would be particularly helpful if you could consider the draft RIA and let us know if you can identify any additional direct or indirect costs or savings (recurring and non-recurring) which would be likely to arise for your (sector of) business as a result of the proposals, and which have not yet been taken into account by the draft RIA. If you think that any of the data that have been included in the draft RIA requires amendment, please let us know. We would also welcome volunteers for the ‘small business litmus test’, which is required by the draft RIA, which simply involves the interviewing of one or two small firms who will be affected by the proposals, to find out exactly what the effect on them will be. Comments on, or information for, the draft RIA can also be submitted using the form at Annex D.

Recurring costs - e.g. extra administrators, consumable materials
Non-recurring costs - e.g. additional expenditure on computer systems and other capital equipment

In this particular case, it is not anticipated that the proposed Regulations will result in any significant net costs, although some savings should be accrued.

PUBLICATION OF RESPONSES

14 Under the Code of Practice on Access to Government Information, NWML will make responses available to members of the public who ask to see them, except where a respondent asks that some or all of a reply be treated as confidential. If you do not wish your response to be made available to the public, please state this clearly at the beginning of your response. Copies of non-confidential responses received may be viewed by prior appointment either at DTI's Information Centre at 1 Victoria Street, London SW1H 0ET, contact Wil Lesadd on 020 7215 6699, or at NWML’s library. Anna Parker will also, on request, provide a list of those who responded. For NWML contacts please see the front cover of this document.

TIMESCALE FOR IMPLEMENTATION

15 Following the deadline for responses, 1 August 2000, NWML will need to give careful consideration to the comments received and to make any necessary amendments to the proposed Regulations. The internal discussions and the legal redrafting that is likely to be necessary usually takes a few months. Following this, it is anticipated that the Regulations will be submitted to the Minister for his signature by 31 December 2000. The Regulations must then be laid before Parliament for 21 days, and may then come into force (with the four months delay mentioned above - see paragraph 3) providing that no Member of Parliament has raised an objection to them. We would currently therefore expect the proposed Regulations to come into force by 30 April 2001.

CHANGES TO OUR RECORDS

16 If you would like us to amend your entry on our database (see list at Annex B, and your address label), or no longer need to be informed about changes to legislation in this area, you may wish to complete and return the Circulation List Amendment Form at Annex B.
The Secretary of State, in exercise of the powers conferred upon him by sections 15(1) and 86(1) of the Weights and Measures Act 1985 \(^{(a)}\) and of all his other enabling powers, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Weighing Equipment (Automatic Catchweighing Instruments) Regulations 2000 and shall come into force on 2000.

**Interpretation**

2.- (1) In these Regulations -

(a) “automatic catchweighing instrument” means an automatic weighing instrument which weighs pre-assembled discrete loads or single loads of loose material, but does not include -

(i) an automatic weight grading instrument, that is to say, an instrument which subdivides articles of different mass into several sub-groups each characterised by a given mass range;

(ii) an automatic checkweighing instrument, that is to say, an instrument which subdivides 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;

(b) “automatic weighing instrument” means an instrument which weighs without the intervention of an operator and follows a pre-determined programme of automatic processes characteristic of the instrument;

(c) unless the context otherwise requires, a reference to a numbered regulation or Schedule is a reference to the regulation or Schedule so numbered in these Regulations and a reference to a paragraph in a regulation is a reference to a paragraph in that regulation; and

(d) any expression and procedure which is not defined in these Regulations and is used both in these Regulations and in OIML R51 shall bear the same meaning as in OIML R51.

(2) In these Regulations, unless the context otherwise requires -

\(^{(a)}\) 1985 c.72.
“the Act” means the Weights and Measures Act 1985;

“accuracy class” means the accuracy class, in respect of a catchweighing instrument, determined in accordance with the provisions of regulation 6(c) and Schedule 3;

"automatic zero-setting device" means a device for setting the indication to zero automatically without the intervention of an operator;

“certificate of approval” means a certificate of approval of a pattern granted or renewed by the Secretary of State under section 12 of the Act;

“control instrument” means a weighing instrument used to determine the mass of the test loads;

“initial verification testing” means testing in accordance with the provisions of regulation 6(c);

“level indicator” means an instrument which indicates when the structure to which it is attached is tilted away from its correct operating position;

“load receptor” means a part of an automatic catchweighing instrument intended to receive the load;

“load transport system“ means the system used to transport the load over the load receptor;

“mark of EEC initial verification” means the mark described in paragraph 5 of Schedule 1 to the Measuring Instruments (EEC Requirements) Regulations 1988 (a);

“maximum capacity” means the maximum discrete load which the automatic catchweighing instrument is authorised to weigh and that can be weighed automatically on a load receptor;

“minimum capacity” means the minimum discrete load which the automatic catchweighing instrument is authorised to weigh and that can be weighed automatically on a load receptor;

“non-automatic zero-setting device” means a device for setting the indication to zero by an operator;

“OIML R51” means the International Recommendation OIML R51 of the Organisation Internationale de Métrologie Légale relating to automatic catchweighing instruments (Edition 1996 (E));

“prescribed limits of error” has the meaning set out in regulation 9(3);

“semi-automatic zero-setting device” means a device for setting the indication to zero automatically following a manual command;

“the stamp” or “verification mark” means the prescribed stamp (a),

“tare device” means a device for setting the weight indicating device, that is to say the device which indicates the weight of a load on a load receptor of the automatic catchweighing instrument, to zero when a load is placed on the load receptor-

(a) without altering the weighing range for net loads (additive tare device); or

(b) by reducing the weighing range for net loads (subtractive tare device);

“test load” means a load of the type of material which an automatic catchweighing instrument is intended to weigh; and

(a) S.I. 1988/186.
(b) See S.I. 1968/1615.
“zero-setting device” means a device which allows the setting of the indicating device to zero when the load receptor is empty.

Application

3.-(1) Subject to paragraphs (2), (3) and (4) and regulation 4, these Regulations apply to automatic catchweighing instruments for use for trade and such instruments are hereby prescribed for the purposes of section 11(1) of the Act (use for trade of weighing or measuring equipment of prescribed classes).

(2) These Regulations shall not apply to any automatic catchweighing instrument which has been put into use for trade before these Regulations came into force.

(3) These Regulations shall not apply to any automatic catchweighing instrument which is an “instrument” to which the Non-automatic Weighing Instruments (EEC Requirements) Regulations 1995 (a) apply.

(4) These Regulations shall not apply to any automatic catchweighing instrument which bears the mark of EEC initial verification.

(5) Subject to regulation 4, the Weighing Equipment (Non-automatic Weighing Machines) Regulations 2000 (b) are hereby disapplied in respect of any automatic catchweighing instrument which is also an automatic catchweighing machine of accuracy classification Class III or Class IIII for the purposes of those Regulations.

Transitional exclusion

4. These Regulations shall not apply to an automatic catchweighing instrument-

(a) which comprises a catchweighing machine for the purposes of the Weighing Equipment (Non-automatic Weighing Machines) Regulations 2000 (c); and

(b) which has been first passed as fit for use for trade, for the purposes of those Regulations, within a period of 10 years from the date on which these Regulations came into force.

PART II

GENERAL REQUIREMENTS FOR USE FOR TRADE

General Duties for use for trade

5. No person shall use for trade an automatic catchweighing instrument unless-

(a) it has been erected and installed in accordance with the requirements of Schedule 1; and

(b) the requirements of Schedule 2 in respect of its use and manner of use are complied with.

Requirements to be satisfied for passing as fit for use for trade

6. Every automatic catchweighing instrument shall, before it is passed as fit for use for trade, -

(a) comply with a pattern in respect of which a certificate of approval is in force;

(b) have affixed to it the applicable descriptive markings relating to that automatic catchweighing instrument and have provision for a place for the application of the specified verification marks, in accordance with the requirements of Schedule 4; and

(a) S.I. 1995/1907.
(b) S.I. 2000/932.
(c) S.I. 2000/932.
subject to regulation 8, have successfully undergone initial verification testing and, as part of that testing, an accuracy class has been determined in respect of it; for the purposes of these Regulations, where initial verification testing means testing of an automatic catchweighing instrument carried out by an inspector in accordance with the procedure specified in section 5.3 (Initial verification) of Part 1 of OIML R51.

Supplementary requirements

7.- (1) Every automatic catchweighing instrument submitted for testing shall be completely assembled and in a clean condition.

(2) For the purposes of the performance by an inspector of his functions under the Act or these Regulations relating to inspection, testing, passing as fit for use for trade and stamping of any automatic catchweighing instrument, a person submitting such an instrument to an inspector or who an inspector has reasonable cause to believe has control of such an instrument for use for trade shall, if requested, provide for the inspector’s use such material as the inspector may reasonably require, and a control instrument: any material or control instrument so provided shall be returned to the person in question.

(3) An automatic catchweighing instrument, other than one which has been transported without having been dismantled, shall not be tested, passed as fit for use for trade and stamped unless it has been completely erected ready for use and, subject to paragraph (4), installed in the position in which it is to be used.

(4) Where an inspector is satisfied that any dismantling and re-assembly or transportation of an automatic catchweighing instrument to its intended place of use could not, in his opinion, affect the accuracy or functioning of the automatic catchweighing instrument, it may be examined, with a view to passing that automatic catchweighing instrument as fit for use for trade, at a place other than the intended place of use, for the purposes of initial verification testing.

Automatic catchweighing instruments imported from another EEA State

8. - (1) In relation to an automatic catchweighing instrument imported into Great Britain from another EEA State, subject to paragraph (4), an inspector shall not carry out any test relating to initial verification testing if, together with the automatic catchweighing instrument being imported, he is presented with the requisite documentation.

(2) In this regulation and regulation 9 (2) -

(a) “requisite documentation” means-

(i) the test report, in the format set out in Part 2 of OIML R51, of an approved body that the automatic catchweighing instrument which is the subject of that report has been tested on the same basis as the procedure specified in section 5.3 (initial verification) of Part 1 of OIML R51, and stating which tests have been applied to it; and

(ii) the test results relating to those tests;

(b) “EEA State” means a State which is a Contracting Party to the EEA Agreement other than the United Kingdom; and in this paragraph “the EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993; and

(c) a body is an “approved body” if it is a body in another EEA State which has the responsibility in that State for metrological control of automatic catchweighing instruments
or is a laboratory which has been accredited in an EEA State as being a body which conforms with the criteria set out in EN 45001\(^{(a)}\).

(3) Nothing in these Regulations shall prevent an inspector carrying out initial verification testing where he is not satisfied-

(a) as to the authenticity of the test report or the results presented to him; or

(b) that the test results presented to him are results which in fact relate to the automatic catchweighing instrument being imported; or

(c) subject to regulation 7(4), that the automatic catchweighing instrument has not been dismantled after the tests to which the test report relates were carried out.

PART III
TESTING AND STAMPING

Passing as fit for use for trade

9.- (1) An inspector shall not pass as fit for use for trade an automatic catchweighing instrument unless -

(a) it complies with all the appropriate requirements of these Regulations; and

(b) on testing, it falls within the prescribed limits of error in relation to passing as fit for use for trade

(2) An inspector shall not pass as fit for use for trade an automatic catchweighing instrument imported from another EEA State unless -

(a) where the requisite documentation is presented in accordance with regulation 8, the test report recites and the test data confirm to the satisfaction of the inspector that, on testing in accordance with the provisions of section 5.3 (Initial verification) of Part 1 of OIML R51, that automatic catchweighing instrument fell within limits of error which afford in use an equivalent standard to the prescribed limits of error; and

(b) it otherwise complies with all the relevant requirements of these Regulations.

(3) For the purposes of these Regulations, the prescribed limits of error relating to an automatic catchweighing instrument shall be determined in accordance with the provisions of Schedule 5.

Stamping

10.- (1) The stamp shall be placed on the verification mark support referred to in section 3.9.2 in Schedule 4.

(2) An inspector shall not stamp an automatic catchweighing instrument in accordance with paragraph (1) if it bears any mark which, in his opinion, might reasonably be mistaken for the stamp, or any statement or mark (other than an inspector's stamp) which purports to be or, in the opinion of the inspector, might reasonably be mistaken for an expression of approval or guarantee of accuracy by any body or person.

Obliteration of stamps (method)

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\(^{(a)}\) EN45001 is a European Standard which has the status of a British Standard, it is identical with BS7501 (ISEN 0 580 179397), “General criteria for the operation of testing laboratories”.
11 An inspector shall obliterate a stamp, in accordance with the requirements of these Regulations, by means of punches or pincers of suitable sizes of a six-pointed star design as shown in the following illustration-

Obliteration of stamps (failure to comply)

12.- (1) Subject to paragraph (2), an inspector shall obliterate the stamp on any automatic catchweighing instrument which-

(a) on testing in accordance with section 5.3 of Part 1 of OIML R51 fails to fall within the prescribed limits of error in relation to obliteration of the stamp; or

(b) fails to comply with any other appropriate requirement of these Regulations.

(2) Except as provided by regulation 13, where any automatic catchweighing instrument does not fully comply with the requirements of these Regulations, but the nature or degree of the non-compliance is not, in the inspector’s opinion, such as to require the immediate obliteration of the stamp, he shall give to the proprietor or any person in control of the automatic catchweighing instrument a notice calling on him to have the instrument corrected within a stated period not exceeding 28 days, and shall obliterate the stamp if the correction has not been made within the stated period.

Obliteration of stamps (alteration or addition to instrument)

13. An inspector shall obliterate the stamp on any automatic catchweighing instrument which has, since it was last stamped, had any alteration or addition made to it such that it could not be passed as fit for use for trade under regulation 9.

Obliteration of stamps (adjustment etc. affecting accuracy or function)

14. An inspector may obliterate the stamp on any automatic catchweighing instrument which -

(a) has, since it was last stamped, been the subject of any adjustment, alteration, addition, repair or replacement which could, in the opinion of the inspector, have affected its accuracy or function;

(b) is in use for trade for a particular purpose and -

(i) which does not meet the requirements of Schedule 2 in respect of minimum or maximum capacity; or

(ii) for which purpose, in the opinion of the inspector, it is otherwise unsuitable; or

(c) is in use for trade in circumstances where the automatic catchweighing instrument is subjected to any extraordinary environmental or operating conditions which, in the opinion of the inspector -

(i) prevent the automatic catchweighing instrument operating consistently and correctly; or

(ii) are likely prematurely to degrade the metrological characteristics of the automatic catchweighing instrument.
Obliteration of all stamps

15. For the purposes of these Regulations, the obliteration of any one stamp on any automatic catchweighing instrument shall be deemed to be the obliteration of all other stamps on that instrument.

Parliamentary Under Secretary
for Consumers and Corporate Affairs

2000 Department of Trade and Industry
Regulation 5(a)

SCHEDULE 1

(Manner of erection and installation)

**Installation** (Extract from Section 5.3.1 of Part I of OIML R51)

The installation of an automatic catchweighing instrument shall be so designed that an automatic weighing operation will be the same whether for the purposes of testing or for use for a transaction.

Every automatic catchweighing instrument shall be positioned so as to facilitate cleaning and testing.
Regulation 5(b)

SCHEDULE 2

(Requirements in respect of use and manner of use)

2.4 Maximum and minimum capacities (Extract from R51)

Maximum capacity (Max) and minimum capacity (Min) shall be specified by the manufacturer.

The minimum capacity shall not be less than:

for class Y(a): 20 e
for class Y(b): 10 e
for postal scales: 5 e

2.9.1 Temperature (Extract from R51)

Instruments shall comply with the appropriate metrological and technical requirements at temperatures from \(-10^\circ C\) to \(+40^\circ C\). However, for special applications the limits of the temperature range may differ from those given above but such a range shall not be less than \(30^\circ C\) and shall be specified in the descriptive markings.

Where a catchweigher is marked with a temperature range it shall not be used for trade in temperatures outside that range.

2.9.3 Tilting (Extract from R51)

Instruments which are not intended for installation in a fixed position and which do not have a level indicator shall comply with the appropriate metrological and technical requirements when tilted by 5%.

Where a catchweigher is fitted with one or more level indicating devices they shall enable the instrument to be set to a tilt of 1% or less.

Specified purpose or manner of use

Where an automatic catchweighing instrument is marked (in accordance with Schedule 4) with a mark which signifies the purpose or manner of use, it shall not be used for a purpose or in a manner which does not accord with that marking.

Instruments of Class Y(b) shall only be used for weighing ballast or waste or other goods in accordance with the particulars of the approved pattern.
Classes designated Y(a) and Y(b)

Class Y(a)

Lower limit of the Minimum load “Min”: 20e
Number of scale intervals: ≤10000

Class Y(b)

Lower limit of the Minimum load “Min”: 10e
Number of scale intervals: ≤1000
3.8 Descriptive markings

Instruments shall bear the following markings.

3.8.1 Markings shown in full

- name or identification mark of the manufacturer
- name or identification mark of the importer (if applicable)
- serial number and type designation of the instrument
- maximum rate of operation (if applicable) in the form: ....loads per minute
- maximum speed of load transport system (if applicable) in the form: ...m/s
- electrical supply voltage in the form: ...V
- electrical supply frequency in the form: ... Hz
- working fluid pressure (if applicable) in the form: ...kPa
- adjustment range referred to set point (if applicable) in the form: ± ...g or % (of set point value)

3.8.2 Markings shown in code

- pattern approval sign
- indication of the class of accuracy Y(y)
- verification scale interval in the form: e = ....
- actual scale interval in the form: d = ....
- maximum capacity in the form: Max= ....
- minimum capacity in the form: Min = ....
- maximum tare additive in the form: T = + ....
- maximum tare subtractive in the form: T = - ......

3.8.3 Supplementary markings

Depending upon the particular use of the instrument, supplementary markings may be required on pattern approval by the metrological authority issuing the pattern approval certificate (for example: temperature range),

Additional markings may be required on initial verification to specify types of packs and related weighing conditions.

3.8.4 Presentation of descriptive markings

Descriptive markings shall be indelible and of a size, shape and clarity that permit legibility under normal conditions of use.

They shall be grouped together in a clearly visible place on the instrument, either on a descriptive plate fixed near the indicating device or on the indicating device itself. It shall be possible to seal the plate bearing the markings, unless it cannot be removed without being destroyed.

The descriptive markings may be shown on a programmable display which is controlled by software. In this case, means shall be provided for any access to reprogramming of the markings to be automatically and non-erasably recorded, e.g. by traceable access software. When a programmable display is used, the plate of the instrument shall bear at least the following markings:

- type and designation of the instrument
3.9 Verification marks

3.9.1 Position

Instruments shall have a place for the application of verification marks. This place shall:

- be such that the part on which it is located cannot be removed from the instrument without damaging the marks
- allow easy application of the mark without changing the metrological quantities of the instrument
- be visible without the instrument or its protective covers having to be moved when it is in service.

3.9.2 Mounting

Instruments required to bear verification marks shall have a verification mark support, at the place provided for above, which shall ensure the conversion of the marks.

When the mark is made with a stamp the support may consist of a strip of lead or any other material with similar quantities, inserted into a plate fixed to the instrument, or in a cavity bored in the instrument.

Instruments shall bear the additional descriptive marking "R51" which shall be presented in accordance with the provisions of section 3.9.2 of Part 1 of R51.
Regulation 9(3)

SCHEDULE 5

2.3 Maximum permissible errors for class Y(y) instruments (Extract from R51)

The maximum permissible error for any load equal to or greater than the minimum capacity (Min) and equal to or less than the maximum capacity (Max) in automatic operation shall be as specified in Table 1. (Note that the mpe-value includes the digital rounding error of the indicating device).

Table 1

<table>
<thead>
<tr>
<th>Load (m) expressed in verification Scales intervals (e)</th>
<th>Maximum permissible error for class Y(y) instruments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class Y(a)</td>
<td>Class Y(b)</td>
</tr>
<tr>
<td>0 &lt; m ≤ 500</td>
<td>0 &lt; m ≤ 50</td>
</tr>
<tr>
<td>500 &lt; m ≤ 2 000</td>
<td>50 &lt; m ≤ 200</td>
</tr>
<tr>
<td>2 000 &lt; m ≤ 10 000</td>
<td>200 &lt; m ≤ 1 000</td>
</tr>
<tr>
<td></td>
<td>Initial Verification</td>
</tr>
<tr>
<td></td>
<td>± 1.5 e</td>
</tr>
<tr>
<td></td>
<td>± 2 e</td>
</tr>
<tr>
<td></td>
<td>± 2.5 e</td>
</tr>
<tr>
<td></td>
<td>In-Service</td>
</tr>
<tr>
<td></td>
<td>± 2 e</td>
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<td></td>
<td>± 3 e</td>
</tr>
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<td></td>
<td>± 4 e</td>
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</tbody>
</table>

For static weighing in non-automatic operation the maximum permissible error for any load equal to or greater than the minimum capacity (Min) and equal to or less than the maximum capacity (Max) shall be as specified in Table 2.

Table 2

<table>
<thead>
<tr>
<th>Load (m) expressed in verification scales intervals (e)</th>
<th>Maximum permissible error for class Y(y) instruments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class Y(a)</td>
<td>Class Y(b)</td>
</tr>
<tr>
<td>0 &lt; m ≤ 500</td>
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</tr>
<tr>
<td>2 000 &lt; m ≤ 10 000</td>
<td>200 &lt; m ≤ 1 000</td>
</tr>
<tr>
<td></td>
<td>Initial Verification</td>
</tr>
<tr>
<td></td>
<td>± 0.5 e</td>
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<tr>
<td></td>
<td>± 1 e</td>
</tr>
<tr>
<td></td>
<td>± 1.5 e</td>
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<td></td>
<td>In-Service</td>
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<td>± 1 e</td>
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<td>± 2 e</td>
</tr>
<tr>
<td></td>
<td>± 3 e</td>
</tr>
</tbody>
</table>
Mr T Smith  A&D Instruments
Mr M Watts  All-Fill International Ltd
Mr P Mann  Amp-Rose
Mr R Padbury  Ancholme
Mr Y Lizuka  Anritsu Ltd
Mr D Coltman  Asso Domain Medway
Mr S Lock  Autosystems Ltd
Mr B Tildesley  Avery Berkel Weighing Products
Mr Harris  Bizerba (UK) Ltd
Ms F Ball  British Chambers of Commerce
Ms M Ryan  BSI
Mr P Kemp  Caljan Loading Systems
Mr G Bannister  Chemical Process Equipment
Mr W Euler  Chronos Richardson Ltd
Mr D Morgan  Cintex Ltd
Mr L Holmes  Clyde Richard Simon & Sons Ltd
Mr D Bellamy  Confederation Of British Industries
Ms D Grose  Consumers Association Public Affairs Department
Mr S Crampton  Consumers In Europe Group
Mr G Sowter  Control Solutions Instruments
Mr T Stone  Convention of Scottish Local Authorities (COSLA)
Mr D Livingstone  Dept of Enterprise, Trade and Investment
Miss G Richmond  Dept of Trade and Industry, Legal A1
Mrs R Lyons  Dept of Trade and Industry, Legal A1
Mrs S Whysall  Dept of Trade and Industry, CII
Mr Y Sato  Digi Europe Ltd
Mr T Taylor  Driver Southall Ltd
Mr C E Tong  E J Tong And Sons (Engineering) Ltd
Mr C Breeze  Easyweigh Ltd
Mr M Roberts  Egbert H Taylor & Co Ltd
Mr B Grover  Espera Scales Ltd
Mr H Davies  Fleet Weighing Services Ltd
Mr P G Widgren  Flintab Ltd
Mr B Poulton  Flomat Bagfiller Ltd
Mr M Hunt  Food And Drink Federation
Mr W Fahey  G Webb Automation Ltd
Mr R Gawn  GEI Albro
Professor Pugh  Glasgow Caledonian University Dept Of Physical Sciences
Mr A Horne  Graseby Best Ltd
Mr D Smith  Graseby Product Monitoring Ltd
Mr B Guilbert  Guernsey Dept of Consumer Affairs
Mr P Houston  H & H Services Ltd
Mr M Giles  Haysseen Europe Ltd
Mr D Pewter  Herbert & Sons Ltd
Mr K Cain  Herts County Council
Mr J Noble  Hi-Tech Electrocontrols Ltd
Mr P Brennan  HM Customs and Excise
Institute Of Packaging (Services) Ltd
Ms S Driskell  Institute Of Trading Standards Administration
Mr S Hart  Ian Fellows Ltd
Mr A E Tagg  Jersey Trading Standards Dept
Mr R Wines  Kliklok International Limited
Mr D Diplock  LACOTS
Mr M Ashley  Local Government Association
Mr J Mccarthy  Lock Inspection Systems Ltd
Mr S Davies  Loma Engineering
Mr K Kinrade  Manx Weights and Measures Office Trading Standards Dept
Mr M Poole
Mr J Wellings
Mr A Mellor
Mr D Bartlett
Mr G Tandy
Mr C Howell
Mr R Mirams
Mr G Mountain
Mr M Goodwin
Mr A Manly
Mr M Keay
Mr S Ward
Mr H Mitchell
Mr P Nelson
Mr J Brown
Mr D Leeks
Mr R West
Mr R Cooper
Mr B Cockayne
Mr C Horwood
Mr B Barker
Mr C Jones
Mr K Shail
Mr A Waller
Mr C Saunders
Mr C Truman
Mr G Volpi
Mr B J Anthony
Mr J P Cowdrey
Mr M Dodds
Mr S Wainwright
Mr N Nortop
Mr C Jones
Mr A Monk
Mr M Proctor
MBP Services Limited
Metal Detection Ltd Boekels
Mettler Toledo Ltd
Ministry of Agriculture, Fisheries and Food
National Consumer Council
O'Keefe's Law Weights and Measures
Pelcombe Ltd
PM On Board Ltd
Practicon Ltd
Processing And Packaging Machinery Association
Processing And Packaging Machinery Association
Ramsey Process Controls Ltd
Ramsey/Westerland
RDS Technology Ltd
Red Forge Ltd
RHM
RWL Ltd
Salter Weigh-Tronix Ltd
Scanvaegt
Skerman Ltd
Skerman (Gainsborough)
SP Filling Systems Ltd
Spart Systems Ltd
Sulo Mgb Ltd
Sussex And Berkshire Machinery Plc
Syspal Ltd
Tmg Marchesini UK Ltd
Trades Union Congress
UK Weighing Federation
Ultrapac Ltd
Vibro Weigh-Count Ltd
Ward Bekker Systems
Welsh Assembly
Welsh Local Government Association
W J Morray Engineering
Yamato Scale Dataweigh (UK) Ltd
CIRCULATION LIST AMENDMENT FORM

To:
Legal Metrology Policy Unit
Room F10
National Weights and Measures Laboratory
Stanton Avenue
Teddington
Middlesex
TW11 OJZ

I received a copy of the consultation document regarding the **Weighing Equipment (Automatic Catchweighing Instruments) Regulations**.

Please delete me from your mail list/amend my entry/add new entry as follows:

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2. Purpose and Intended Effect of the Measure
   i) Identify the issue and objective

   **Issue**: The United Kingdom is a member of the International Organisation of Legal Metrology (OIML) and Great Britain has a moral obligation (although not a legal one) to implement International Recommendation R51 on automatic catchweighing instruments into national legislation. These instruments are used for factory and industrial applications. Where these instruments are in use for trade they are currently prescribed under national legislation – The Weighing Equipment (Non-automatic Weighing Machines) Regulations 2000, (“the 2000 Regulations”). Checkweighing and weight-grading instruments are not currently prescribed by national legislation and, although they are covered by R51, there are no plans to make checkweighers or weight-graders prescribed instruments. Whenever there is a mention of catchweighing instruments within this document it should be taken to mean catchweighing instruments that are not checkweighing or weight-grading instruments. The suggestion is to replace the 2000 Regulations in as far as they relate to automatic catchweighing instruments with the proposed Regulations ‘the Weighing Equipment (Automatic Catchweighing Instruments) Regulations’ (“the proposed Regulations”).

   Besides implementing R51, the proposed Regulations will also give effect to the European Economic Area Agreement of 1992 (amended 1993) which provides for instruments to be transported from one EEA state to another without the need for further testing in the importing EEA country.

   Non-automatic catchweighing instruments, which fall outside the scope of R51, are provided for in the Non-automatic Weighing Instruments (EEC Requirements) Regulations 1995.

   **Objective**: The proposed Regulations, which will apply to Great Britain only (Northern Ireland has separate Regulations for weighing and measuring instruments), will remove barriers to trade by harmonising national legislative requirements for automatic catchweighing instruments with the requirements of R51. R51 makes requirements for the principles of construction of these instruments, and for their testing, installation and operation. The proposed Regulations will also permit these instruments to be imported from another state of the European Economic Area (EEA) without the need for further testing within Great Britain, provided that they have been tested satisfactorily on the same basis to that required by the proposed Regulations. The Regulations will also make clearer the conditions under which an instrument may be tested at a place other than its intended place of use. Note that the proposed Regulations will allow for instruments to be first passed as fit for use for trade under the 2000 Regulations for ten years from the date on which the proposed Regulations come into force (the “transitional exclusion”).

   **ii) Risk assessment**

   The concept of ‘risk’ is not really appropriate in this particular case. However the ‘risk’ could be said to be to British manufacturers of these instruments who might incur additional construction and testing costs if their instruments were required to meet the requirements of national legislation and the requirements of R51, where those instruments were also intended for export. However, the additional cost of constructing a single instrument to meet both British and R51 requirements is not likely to be much higher than the cost of meeting just British requirements.

3. Options
   i) Identify options

   Two options have been identified:

   Option 1 – continue with the present situation, that is having instruments made and tested for conformance with existing national Regulations and additionally to the requirements of R51 where the manufacturer requires it.
Option 2 – implement the requirements of R51 into national legislation. OIML signatories do have a moral obligation to implement OIML recommendations.

ii) Issues of Equity or Fairness

Is it fair to make the requirements of R51 mandatory for British manufacturers who wish to make instruments for the British market only, and who currently have customers who are content to purchase and use instruments which meet the current national regulations, thereby involving them in additional costs?

4. Benefits

i) Identify the benefits

Option 1 – has no impact on the present position regarding the manufacture or sale of these instruments.

Options 2 – has the indirect (and non-quantifiable) benefit of helping Great Britain to meet its obligations, both to the EU, and to the wider group of countries which are OIML members, of reducing barriers to trade. It is the policy of the DTI to effect legislation that will help reduce barriers to trade wherever possible.

An indirect benefit will be that when the Measuring Instruments Directive is introduced conformity with OIML recommendations may be one way of ensuring conformity with the essential requirements of the Directive.

Manufacturers in Great Britain who make instruments for export will also benefit from not requiring further tests to be carried out in OIML importing countries, once R51 has been implemented there, but this is not a direct benefit of these Regulations.

ii) Quantify and Value

Option 1 – has no quantifiable benefits as it continues with the present situation.

Option 2 – would enable importing manufacturers to make some small savings on testing costs. Testing for type approval carried out for British national legislation currently costs approximately £6,000 depending on the instrument. If an importing manufacturer already had type approval from another country that had implemented R51 then no further testing would be required and the cost of obtaining a UK type-approval certificate would be reduced to approximately £1000. This would also apply to British manufacturers exporting instruments to another country that had implemented R51.

5. Compliance Costs for Business, Charities and Voluntary Organisations

i) Business Sectors Affected

Manufacturers of catchweighing instruments, whether made in Great Britain for the internal or external markets, or whether being imported into Great Britain, will be affected. There are 4 British firms manufacturing these instruments, which, between them, employ approximately 2500 staff (not all devoted entirely to the manufacture of these instruments). Total employment for the instrument's manufacture is estimated to be approximately 500 people.

The retail value of all catchweighing instruments purchased within Great Britain is estimated to be £11.5m per annum. It is estimated that 570 instruments are supplied by British manufacturers to British users annually. The estimated average retail value for each instrument is £20,000, depending on the type of instrument.

ii) Compliance costs for a typical business

The following costs are for Option 2.
Recurring: It is estimated that the cost of initial verification testing will double from £100 to £200 per instrument, due to the more extensive testing that is required by R51.

Non-recurring: Manufacturers may initially need to make changes to the way in which instruments are manufactured. The one-off cost per manufacturer is likely to be in the order of £20,000. However, because of the transitional exclusion period which has been included in the proposed Regulations, nothing within them forces a manufacturer to change from manufacturing instruments to existing patterns, for the life of that pattern.

iii) Total Compliance Costs

This gives a total recurring cost to business of £57,000 per annum.

Total non-recurring costs – there are 14 current pattern approval certificates for these instruments, with approximately 40 variants to the base approvals, any of which may still be manufactured. If a quarter of manufacturers (it is unlikely to be more, due to the fact that most catchweighing instruments are manufactured for the British market) decided to replace existing patterns with a pattern corresponding with the requirements of the proposed Regulations, this may imply a possible non-recurring cost to business of up to £200,000.

6. Consultation with Small Business: ‘The Litmus Test’

The proposals will be discussed with a number of manufacturers of these instruments.
[Volunteers for the litmus test are invited to come forward]

7. Other Costs

Option 2

Any costs that fall to manufacturers are ultimately likely to be passed on indirectly to the consumers of the products that are weighed by these instruments.

Trading Standards Departments may experience some slight loss of income from testing for initial verification, although it is thought that only about 50 imported instruments are submitted for initial verification per year. A Trading Standards Department carrying out an initial verification may lose about £100 per instrument, the potential loss of income for all Trading Standards Departments in total may be £5,000, which gives an average of £25 per Trading Standards Department per annum.

Enforcement of the proposed Regulations by Trading Standards Departments will not result in increased costs over existing enforcement arrangements.

For NWML’s Measuring Instrument Certification Unit (MICU) there may be some slight loss of income from type approving imported instruments (about 3 per year), perhaps of about £6000 per annum.

8. Results of Consultations

[Information to be added]

9. Summary and Recommendations

[Information to be added]

10. Enforcement, Sanctions, Monitoring and Review

Local Authority Trading Standards Departments, as part of their existing weights and measures work, will enforce the proposed Regulations and no additional costs to them are expected. Trading Standards Officers (TSOs) who come across instruments which no longer comply with the Regulations may decide to issue a written notice to the person in control of the instrument giving them up to twenty-eight days to have
the instrument corrected. However, in some extreme cases, the TSO has the authority to obliterate the prescribed stamp immediately, thereby taking the instrument out of trade use.

It is intended to monitor the proposed Regulations, and this will be done in conjunction with Trading Standards Officers.