
 STATUTORY INSTRUMENTS

1979 No. 1379

WEIGHTS AND MEASURES

The Taximeters (EEC Requirements) Regulations 1979

<i>Made</i> - - - -	30th October 1979
<i>Laid before Parliament</i>	8th November 1979
<i>Coming into Operation</i>	1st December 1979

The Secretary of State, being a Minister designated(a) for the purpose of section 2(2) of the European Communities Act 1972(b) in relation to the regulation of specifications, construction, placing on the market and use of equipment intended for weighing, measuring or testing or for purposes ancillary thereto, in exercise of the powers conferred by that section, hereby makes the following Regulations:—

PART I

GENERAL

Citation and commencement

1. These Regulations may be cited as the Taximeters (EEC Requirements) Regulations 1979 and shall come into operation on 1st December 1979.

Interpretation and extent

2.—(1) In these Regulations:—

“the Directive” means Council Directive No. 77/95/EEC(c) on the approximation of the laws of the member States relating to taximeters;

“inspector” means a person authorised in writing by the Secretary of State to be an inspector for the purposes of these Regulations;

“the relevant limits of error” means the range of permissible errors laid down by item 5.1 and 5.2 of the Annex to the Directive;

“manufacturer”, where more than one person is responsible for the manufacture of an instrument, means the person responsible for the final stage of manufacture;

“the principal Regulations” means the Measuring Instruments (EEC Requirements) Regulations 1975(d);

“taximeters” means instruments which, according to the characteristics of the vehicle in which they are installed and the tariffs for which they have been set, calculate automatically and indicate constantly when in use the fares to be paid by the users of taxi-cabs on the basis of the distance covered, and, below a certain speed, the time for which the vehicle

(a) S.I. 1975/427.

(b) 1972 c. 68.

(c) O.J. No. L26, 31.1.1977, p. 59.

(d) S.I. 1975/1173, as amended by S.I. 1977/27, S.I. 1978/25, S.I. 1979/80,847.

is occupied, exclusive of various surcharges which may be authorised by local regulations in force in member States.

(2) These Regulations shall extend to Northern Ireland.

Application

3. These Regulations apply to taximeters not containing an electronic device in the measuring sequence; and references to instruments in these Regulations are references to such taximeters.

Pattern approval and partial verification: the EEC signs and marks

4.—(1) The EEC signs and marks referred to in these Regulations are the following signs and marks:—

- (a) The sign of EEC pattern approval described in paragraph 1 of Schedule 1 to the principal Regulations;
- (b) The sign of EEC limited pattern approval described in paragraph 2 of the said Schedule 1; and
- (c) The mark of EEC partial verification described in paragraph 6 of the said Schedule 1.

(2) In these Regulations references to the United Kingdom version of a sign or mark referred to in paragraph (1) above are references to the sign or mark appropriate, in accordance with the provisions of the said Schedule, for an EEC pattern approval granted in, or an EEC partial verification carried out in, the United Kingdom.

PART II

EEC PATTERN APPROVAL AND PARTIAL VERIFICATION IN THE UNITED KINGDOM

Introductory

5. This Part of the Regulations contains provisions with respect to the grant, extension and revocation of EEC pattern approval in the United Kingdom and the carrying out of EEC partial verification in the United Kingdom and generally with respect to the application in the United Kingdom of the EEC signs and marks in relation to instruments to which these Regulations apply.

EEC pattern approval

6.—(1) Regulations 7 to 11 (which contain amongst other things provision with respect to the grant, extension and revocation of EEC pattern approval in the United Kingdom) of the principal Regulations, and Schedule 2 to those Regulations (which regulates the conduct in the United Kingdom of EEC pattern approval), shall so far as applicable apply in relation to the pattern approval of instruments to which these Regulations apply as they apply in relation to the pattern approval of instruments to which those Regulations apply.

(2) Where an EEC pattern approval (whether granted under these Regulations or by any member State other than the United Kingdom) is in force in respect of any pattern of instrument, the manufacturer shall cause the sign of EEC pattern approval, or where the pattern approval is a limited pattern

approval, the sign of EEC limited pattern approval, to be affixed to instruments conforming to the approved pattern on the dial or on a sealed plate, and the sign must be easily visible and legible under normal conditions of installation.

EEC partial verification

7.—(1) An application for consideration of any instrument for EEC partial verification shall be made to the Secretary of State in such manner as he may direct.

(2) The Secretary of State shall determine whether an EEC pattern approval is in force in respect of the instrument and, if so, whether it conforms to the approved pattern.

(3) Where the Secretary of State is satisfied—

(a) that the instrument conforms to the requirements of the Directive; and

(b) that an EEC pattern approval is in force in respect of the instrument and that the instrument conforms to the approved pattern, and bears the sign required by Regulation 6 (2) above;

he shall cause to be affixed to the instrument the United Kingdom mark of EEC partial verification.

(4) If the Secretary of State refuses to cause any mark of EEC partial verification to be affixed to an instrument he shall give to the applicant a statement in writing of his reasons for the refusal.

(5) Where an EEC pattern approval is subject to a condition limiting the number of instruments which may be submitted for partial verification by reference to the pattern in question, a person who makes an application, or causes or permits the making of an application, which if granted would contravene the condition, shall be guilty of an offence unless it is shown that he did not know, and had no reason to believe, that it would or might contravene the condition.

PART III

WHOLE MEASURING SYSTEMS

8.—(1) Whole measuring systems for use in the United Kingdom shall be adjusted in such a way that the relevant limits of error are asymmetric in relation to the zero error and that all errors are in favour of the hirer.

(2) In this Regulation “whole measuring system” means the vehicle and the taximeter bearing an EEC mark which is installed in it.

PART IV

SUPPLEMENTARY PROVISIONS

Enforcement of conditions applicable to EEC limited pattern approval

9. Where an EEC limited pattern approval is subject to a condition limiting the use of instruments of the pattern in question a person who, knowing that any such condition applies to any instrument, disposes of the instrument to any other person in a state in which it could be used without informing that other person of the condition, shall be guilty of an offence, and the instrument shall be liable to be forfeited.

Effect of revocation of EEC pattern approval

10.—(1) Where an EEC pattern approval is revoked, whether under these Regulations or by any member State other than the United Kingdom, any person who, knowing that the pattern approval has been revoked, disposes of an instrument of the pattern in question bearing any EEC sign or mark related to that pattern approval to any other person in a condition in which it could be used without informing that other person of the revocation, shall be guilty of an offence and the instrument shall be liable to be forfeited.

(2) Paragraph (1) above does not apply if any such sign or mark on the instrument has been obliterated under Regulation 13 below.

(3) For the purposes of this Regulation and Regulations 11 and 13 below, an EEC sign or mark shall be regarded as related to a pattern approval if it is a sign framed by reference to that pattern approval or a mark of EEC partial verification which was affixed by reference to conformity to the pattern which was the subject of that pattern approval.

(4) A certificate by the Secretary of State stating that an EEC pattern approval granted by any member State other than the United Kingdom has been revoked and thereby ceased to have effect on a date specified shall be conclusive as to the matters certified in any proceedings for an offence under this Regulation.

Effect of non-extension of EEC pattern approval

11. Where an EEC pattern approval, whether granted under these Regulations or by any member State other than the United Kingdom, is not extended—

- (a) these Regulations shall, in relation to any instrument of the pattern in question which was used before the pattern approval ceased to have effect, apply as if the pattern approval had continued in force;
- (b) the manufacturer of any instrument of the pattern in question, bearing any EEC sign or mark related to that pattern approval, which has not been so used shall be guilty of an offence, if, after the pattern approval has ceased to have effect, he disposes of the instrument to any other person, and the instrument shall be liable to be forfeited.

Temporary prohibition of sale

12.—(1) Where the Secretary of State is satisfied that instruments constructed according to a pattern in respect of which an EEC pattern approval granted by a member State other than the United Kingdom is in force reveal in service a defect of a general nature which makes them unsuitable for their intended use, he may issue a prohibition notice under this Regulation with respect to instruments of that pattern.

(2) Regulation 10 above shall apply, with the necessary modifications, so long as a prohibition notice issued under this Regulation is in force with respect to instruments of any pattern, as it applies in a case where pattern approval is revoked by the Secretary of State.

(3) A prohibition notice under this Regulation shall give particulars of the pattern to which it relates.

(4) The Secretary of State may withdraw a prohibition notice at any time.

(5) If the Secretary of State issues a prohibition notice under this Regulation he shall give a statement in writing of his grounds for doing so to any person appearing to him to be concerned.

- (6) The Secretary of State shall cause to be published—
- (a) any prohibition notice issued under this Regulation; and
 - (b) notice of withdrawal of any such prohibition notice.

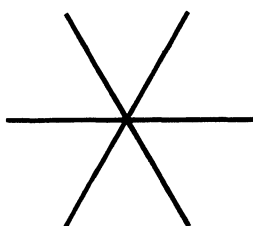
Obliteration of EEC signs and marks

13.—(1) An inspector may obliterate any EEC sign or mark affixed to an instrument not incorporated in a vehicle if he is satisfied—

- (a) that the instrument bearing the sign or mark falls outside the relevant limits of error; or
- (b) that the instrument does not comply in any other respect with the requirements of the Directive.

(2) Without prejudice to paragraph (1) above, an inspector may, at the request of any person appearing to him to be the owner of an instrument, obliterate any EEC sign or mark on the instrument which is related to an EEC pattern approval (whether granted under these Regulations or by any member State other than the United Kingdom) which the inspector is satisfied has ceased to have effect.

(3) Subject to paragraph (4) below, obliteration under this Regulation shall be carried out by an inspector by means of punches or pincers of a six-pointed star design as shown in the following illustration:



(4) Paragraph (3) above shall not apply where in the opinion of the inspector it would be impossible to obliterate any EEC sign or mark by the method there specified; and in any such case obliteration shall be carried out in such other manner as the Secretary of State may direct, whether generally or in relation to signs or marks of any particular description.

Unauthorised application of EEC signs and marks, etc.

14.—(1) Subject to paragraph (2) below, any person who, in the case of any instrument—

- (a) not being an inspector or a person acting under the authority of an inspector, marks in any manner any plug, seal or plate used or designed for use for the reception of any EEC mark; or
- (b) not being a manufacturer authorised or required to do so under any provision of these Regulations, or the duly authorised agent of any such manufacturer, marks any such instrument with any EEC sign; or
- (c) forges, counterfeits or, except in accordance with Regulation 13 above, in any way alters or defaces any EEC sign or mark; or
- (d) removes any EEC sign or mark and inserts it into any instrument; or
- (e) makes any alteration in the instrument after any EEC sign or mark has been applied to it in accordance with these Regulations, so that it no longer complies with the requirements of the Directive;

shall be guilty of an offence.

(2) A person shall not be guilty of an offence under paragraph (1) above by reason solely of the destruction or obliteration of any sign, mark, plug, seal or plate in the course of the adjustment or repair of any instrument by, or by the duly authorised agent of, a person who is the manufacturer of, or regularly engaged in the business of repairing, instruments.

(3) Any person who sells or exposes or offers for sale any instrument which to his knowledge—

(a) bears any EEC sign or mark which is a forgery or counterfeit, or which has been transferred from another instrument, or which has been altered or defaced otherwise than under Regulation 13 above, or as permitted by virtue of paragraph (2) above; or

(b) does not comply with the requirements of the Directive by reason of any alteration made in the instrument after any EEC sign or mark was applied to it in accordance with these Regulations;

shall be guilty of an offence.

(4) Any instrument in respect of which an offence under this Regulation was committed, and any implement used in the commission of the offence, shall be liable to be forfeited.

Powers of inspection and entry

15.—(1) Subject to the production if so requested of his authority, an inspector may, at all reasonable times—

(a) inspect and test any instrument not incorporated in a vehicle;

(b) enter any premises at which he has reasonable cause to believe any such instruments are manufactured or stored, not being premises used only as a private dwelling house.

(2) Subject to the production if so requested of his authority, an inspector may at any time seize and detain any article which he has reasonable cause to believe is liable to be forfeited under these Regulations.

(3) If a justice of the peace, by information on oath—

(a) is satisfied that there is reasonable ground to believe that any such instrument or article as is mentioned in paragraph (1) or (2) above is manufactured or stored on any premises, or that any offence under these Regulations has been, is being or is about to be committed on any premises; and

(b) is also satisfied either—

(i) that admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier, or

(ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier is temporarily absent;

the justice may by warrant under his hand, which shall continue in force for a period of one month, authorise an inspector to enter the premises, if need be by force. In the application of this paragraph to Scotland, the expression “a justice of the peace” shall be construed as including the sheriff. In the application of this paragraph to Northern Ireland, for the word “information” there shall be substituted the word “complaint”.

(4) An inspector entering any premises by virtue of this Regulation may take with him such other persons and such equipment as may appear to him necessary; and on leaving any premises which he has entered by virtue of a warrant under paragraph (3) above, being premises which are unoccupied or the occupier of which is temporarily absent, he shall leave them as effectively secured against trespassers as he found them.

(5) If any inspector or other person who enters any work-place by virtue of this Regulation discloses to any person any information obtained by him in the work-place with regard to any secret manufacturing process or trade secret, he shall, unless the disclosure was made in the performance of his duty, be guilty of an offence.

Obstruction of inspectors

16.—(1) Any person who—

- (a) wilfully obstructs an inspector acting in the execution of any provision of these Regulations; or
- (b) without reasonable cause fails to give any inspector acting as aforesaid any assistance or information which the inspector may reasonably require of him for the purposes of the performance by the inspector of his functions under these Regulations;

shall be guilty of an offence.

(2) If any person, in giving an inspector any such information as is mentioned in paragraph (1) above, gives any information which he knows to be false, he shall be guilty of an offence.

(3) Nothing in this Regulation shall be construed as requiring any person to answer any question or give any information if to do so might incriminate him.

Offences by corporations

17. Regulation 24 of the principal Regulations (offences by corporations) shall apply in relation to offences under these Regulations as it applies in relation to offences under those Regulations.

Prosecution and punishment of offences

18. Proceedings for any offence under these Regulations shall not—

- (a) in England and Wales, be instituted except by or on behalf of the Secretary of State or the chief officer of police for a police area; or
- (b) in Northern Ireland, be instituted except by or on behalf of the Department of Commerce for Northern Ireland or the Director of Public Prosecutions for Northern Ireland.

19. Any person guilty of an offence under Regulation 14, 15 or 16(2) above shall be liable on summary conviction to a fine not exceeding £200, and any person guilty of an offence under any other provision of these Regulations shall be liable on summary conviction to a fine not exceeding £50.

30th October 1979.

Sally Oppenheim,
Minister of State,
Department of Trade.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations implement Council Directive No. 77/95/EEC relating to taximeters.

Provision is made for the Secretary of State, on application being made for that purpose, to approve patterns of taximeters which comply with the Directive (Regulation 6). Provision is also made for him to carry out partial verification of such instruments to determine whether they comply with the approved pattern, granted in the United Kingdom or in another member State, and with the requirements of the Directive, and for the affixing to the instrument of the mark of EEC partial verification (Regulation 7).

The Regulations also provide for offences (Regulations 9—12, 14—17) and penalties (Regulation 19) and include powers of inspection of instruments not incorporated in a vehicle and entry on premises other than private dwelling houses, where such instruments are manufactured or stored, for the enforcement of the Regulations (Regulation 15).

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