
STATUTORY INSTRUMENTS

1988 No. 296

GAS

**The Measuring Instruments (EEC Requirements)
(Gas Volume Meters) Regulations 1988**

<i>Made</i>	- - - -	<i>22nd February 1988</i>
<i>Laid before Parliament</i>		<i>23rd February 1988</i>
<i>Coming into force</i>	- -	<i>15th March 1988</i>

The Secretary of State, being a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ 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 and in exercise of his powers under sections 17(8)(c) and 47(3) of the Gas Act 1986⁽³⁾, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

1. These Regulations may be cited as the Measuring Instruments (EEC Requirements) (Gas Volume Meters) Regulations 1988 and shall come into force on 15th March 1988.

2. The Measuring Instruments (EEC Requirements) Regulations 1988⁽⁴⁾ as originally made shall apply to gas volume meters to which Council Directive No. 71/318/EEC⁽⁵⁾, as amended by Commission Directive No. 74/331/EEC⁽⁶⁾, Commission Directive No. 78/365/EEC⁽⁷⁾ and Commission Directive No. 82/623/EEC⁽⁸⁾, applies, subject to the modifications specified in the Schedule to these Regulations.

3. The Measuring Instruments (EEC Requirements) (Gas Volume Meters) Regulations 1983⁽⁹⁾ are hereby revoked.

(1) S.I. 1975/427.
(2) 1972 c. 68.
(3) 1986 c. 44.
(4) 1988/186.
(5) O.J. No. L202,6.9.71, p.21 (O.J./S.E. 1971 (III) p.729).
(6) O.J. No. L189, 12.7.74, p.9.
(7) O.J. No. L104, 18.4.78, p.26.
(8) O.J. No. L252, 27.8.82, p.5.
(9) S.I. 1983/1246.

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22nd February 1988

Peter Morrison
Minister of State,
Department of Energy

SCHEDULE

Regulation 2

MODIFICATIONS TO THE MEASURING INSTRUMENTS
(EEC REQUIREMENTS) REGULATIONS 1988

- 1.—(1) In regulation 2, in paragraph (1) —
 - (a) the following definition shall be inserted after that of “the Directive on medium accuracy bar weights and cylindrical weights” —

““the Directive on gas volume meters” means Council Directive No. 71/318/EEC as amended by Commission Directive No. 74/331/EEC, Commission Directive No. 78/365/EEC and Commission Directive No. 82/623/EEC; and”
 - (b) the following definition shall be inserted after that of “manufacturer” —

““meter examiner” means a meter examiner appointed or holding office under section 17 of the Gas Act 1986(10) or, in Northern Ireland, under Article 8(1) of the Gas (Northern Ireland) Order 1977(11).”
- (2) In paragraph (3) of that regulation, for the words from “means” to the end of the paragraph, there shall be substituted the words “means the Directive on gas volume meters”.
- (3) In paragraph (4) of that regulation, the words from the beginning of the paragraph to “hereto” shall have no effect.
2. Regulation 5 shall have no effect.
3. For regulation 6 there shall be substituted the following regulation —

“6. Nothing in section 17 of the Gas Act 1986 (meters not to be used for ascertaining the quantity of gas supplied unless stamped under that section) or, in Northern Ireland, Article 9 of the Gas (Northern Ireland) Order 1977 (meters not to be used for ascertaining the quantity of gas supplied unless stamped) shall restrict the use in Great Britain and Northern Ireland respectively of any instrument which bears the mark of EEC initial verification for ascertaining the quantity of gas supplied, provided that the mark remains undefaced otherwise than by reason of fair wear and tear”.
4. In regulation 7(2) —
 - (a) for the words “Regulation 3 above” there shall be substituted the words “Regulation 3 above and the Directive on gas volume meters”, and
 - (b) the following entry shall be inserted in the Table after the entry relating to the Directive on medium accuracy bar weights and cylindrical weights:—

“The Directive on gas volume meters. Yes Yes”
5. Regulations 8(4) and 11(3) shall have no effect.
6. For regulation 13 there shall be substituted the following regulation —

“EEC initial verification

13.—(1) An application for consideration of any instrument of a category to which the Directive on gas volume meters applies for EEC initial verification shall be made to a meter examiner in such manner as the Secretary of State or, as respects an application made in Northern Ireland, the Department of Economic Development may direct.

(10) 1986 c. 44.

(11) S.I. 1977/596(N.I. 7).

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(2) The meter examiner 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 and to the requirements of the Directive on gas volume meters, and where he is satisfied —

- (a) that the instrument conforms to the requirements of the Directive on gas volume meters; and
- (b) that an EEC pattern approval is in force in respect of the instrument and that the instrument conforms to the approved pattern,

he shall affix or authorise to be affixed to the instrument the United Kingdom mark of EEC initial verification, and shall at the same time apply or authorise the application of any seals required by that Directive to be applied in connection with initial verification.

(3) If the meter examiner refuses to affix or authorise to be affixed any EEC mark he shall give to the applicant a statement in writing of his reasons for refusal.

(4) Schedule 3 to these Regulations shall apply for regulating the conduct in the United Kingdom of EEC initial verification in relation to instruments of a category to which the Directive on gas volume meters applies”.

7. Regulation 14 shall have no effect.

8. For Part IV of the Regulations (Supplementary Provisions) there shall be substituted the following Part —

“PART IV

SUPPLEMENTARY AND CONSEQUENTIAL PROVISIONS

Effect of revocation of EEC pattern approval

15.—(1) Where —

- (a) the Secretary of State revokes an EEC pattern approval relating to instruments of a category to which the Directive on gas volume meters applies; or
- (b) it appears to the Secretary of State that any such pattern approval has been revoked by any Member State other than the United Kingdom;

the Secretary of State may publish in the London Gazette, the Edinburgh Gazette and the Belfast Gazette a notice requiring all instruments of the pattern in question used for the purpose of ascertaining the quantity of gas supplied to any person in England and Wales, Scotland and Northern Ireland respectively to be replaced within a period of six months beginning with the date of the notice; and if after the end of that period any person supplies gas through such an instrument he shall be guilty of an offence.

(2) For the purposes of this regulation where a person provides through an instrument of a category to which the Directive on gas volume meters applies, for use in a flat or part of a building let by him, gas supplied by him, he and not the person supplying the gas to him shall be deemed to supply gas through the instrument.

Instruments of defective pattern

16.—(1) Where the Secretary of State is satisfied that instruments of a category to which the Directive on gas volume meters applies, and which are 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 publish in the London Gazette, the Edinburgh

Gazette and the Belfast Gazette a notice requiring all instruments of the pattern in question used for the purposes of ascertaining the quantity of gas supplied to any person in England and Wales, Scotland and Northern Ireland respectively to be replaced within a period of six months beginning with the date of the notice; and if after the end of that period any person supplies gas through such an instrument he shall be guilty of an offence.

(2) A notice under this regulation shall give particulars of the pattern to which it relates and shall include a statement of the grounds for the publication of the notice.

(3) Paragraph (2) of regulation 15 above shall apply for the purposes of this regulation as it applies for the purposes of that regulation.

(4) The Secretary of State may at any time withdraw a notice under this regulation by publishing a notice of withdrawal in the London, Edinburgh and Belfast Gazettes.

Unauthorised application of EEC signs and marks, etc.

17.—(1) Subject to paragraph (2) below, any person who, in the case of an instrument of a category to which the Directive on gas volume meters applies —

- (a) not being a meter examiner or a person acting under the authority of a meter examiner, 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 pursuant to a duty imposed on a meter examiner, in any way alters or defaces any EEC sign or mark; or
- (d) removes any EEC sign or mark and inserts it into any other measuring 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 relevant 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 of a category to which the Directive on gas volume meters applies by, or by the duly authorised agent of, a person who is a manufacturer of, or regularly engaged in the business of repairing, such instruments.

(3) Any person who supplies gas through any instrument of a category to which the Directive on gas volume meters applies 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 pursuant to a duty imposed on a meter examiner or as permitted by virtue of paragraph (2) above; or
- (b) does not comply with the requirements of the Directive on gas volume meters by reason of any alteration made in it after any EEC sign or mark was applied to it in accordance with these Regulations;

shall be guilty of an offence.

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Offences by corporations

18.—(1) Where an offence under any provision of these Regulations which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Prosecutions and punishment of offences under these Regulations

19. Proceedings for any offence under regulation 17 above shall not, in England and Wales, be instituted except by or with the consent of the Secretary of State or by the Director of Public Prosecutions.

20. Any person guilty of an offence under regulation 15 or 16 above shall be liable on summary conviction to a fine not exceeding £200 and any person guilty of any offence under regulation 17 above shall be liable on summary conviction to a fine not exceeding £400.

Consequential provisions

21.—(1) In Schedule 1 to the Gas (Northern Ireland) Order 1977 (gas supply code regulating supply of gas by undertakers) references in paragraphs 7 and 10, however expressed, to a meter stamped under Article 9 of that Order shall be construed as including references to a meter bearing the mark of EEC initial verification.

(2) In the Gas (Meters) Regulations 1983⁽¹²⁾ references in regulation 4, however expressed, to a meter stamped under section 30 of the Gas Act 1972⁽¹³⁾ (which provision is re-enacted in section 17 of the Gas Act 1986) shall be construed as including references to a meter bearing the mark of EEC initial verification and references to a stamp shall be construed as including references to that mark.

(3) In the Gas (Meter) Regulations (Northern Ireland) 1980⁽¹⁴⁾ references in regulation 4, however expressed, to a meter stamped under Article 8(1)(b) of the Gas (Northern Ireland) Order 1977 shall be construed as including references to a meter bearing the mark of EEC initial verification and references to a stamp shall be construed as including references to the mark.”.

9. In paragraph 5(7) of Schedule 1, after the word “person”, there shall be inserted the words “or, where the instrument in question is an instrument to which the Directive on gas volume meters applies, the office of the meter examiner.”.

10. Schedule 3 shall have effect as if the reference in paragraph 3(1) to the inspector dealing with the application were a reference to the Secretary of State or, as respects an application made in Northern Ireland, the Department of Economic Development, and as if the remaining references to an inspector were references to a meter examiner.

11. Schedules 4 and 5 shall have no effect.

⁽¹²⁾ S.I. 1983/684.

⁽¹³⁾ 1972 c. 60, repealed by the Gas Act 1986, Schedule 9, Part I.

⁽¹⁴⁾ (N.I.) 1980 No.420.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Measuring Instruments (EEC Requirements) (Gas Volume Meters) Regulations 1983 applied the Measuring Instruments (EEC Requirements) Regulations 1980 (S.I.1980/1058) subject to modifications to certain gas volume meters to which Council Directive No. 71/318/EEC, as amended, applied, and implemented the obligations of the United Kingdom under that Directive and under Council Directive No. 71/316/EEC, as amended.

The Measuring Instruments (EEC Requirements) Regulations 1980 are revoked by the Measuring Instruments (EEC Requirements) Regulations 1988, which are to come into force on 14th March 1988.

These Regulations therefore revoke the Measuring Instruments (EEC Requirements) (Gas Volume Meters) Regulations 1983 and apply, subject to similar modifications, the Measuring Instruments (EEC Requirements) Regulations 1988 to those gas volume meters to which the 1983 Regulations applied.

The principal modifications to the Measuring Instruments (EEC Requirements) Regulations 1988 are as follows:

- (a) The substitution for regulation 6 of a regulation providing that the prohibition on the use of meters not stamped under section 17 of the Gas Act 1986 or, as regards Northern Ireland, under Article 9 of the Gas (Northern Ireland) Order 1977 is not to restrict the use of meters bearing the mark of EEC initial verification;
- (b) The disapplication of the requirements in regulations 8(4) and 11(3) respectively for publication of EEC pattern approvals and revocations of such approvals;
- (c) The substitution for regulation 13 of a regulation providing for EEC initial verification of gas volume meters by meter examiners;
- (d) The disapplication of the provisions in regulation 14 for the testing or examination of meter measuring systems;
- (e) The substitution for Part IV of supplementary provisions in respect of gas volume meters relating to —
 - (i) the effect of revocation of EEC pattern approval (regulation 15),
 - (ii) instruments of a defective pattern (regulation 16),
 - (iii) the unauthorised application of EEC signs and marks (regulation 17),
 - (iv) offences by corporations and the prosecution and punishment of offences (regulations 18 to 20).