
STATUTORY INSTRUMENTS

1999 No. 503

The Deregulation (Weights and Measures) Order 1999

Verification by approved verifiers

2.—(1) In subsection (2)(a) of section 11 of the 1985 Act (certain equipment to be passed and stamped by an inspector), after the word “inspector” there shall be inserted the words “or approved verifier”.

(2) In subsection (4) of that section, after the word “passed”, in the first place where it occurs, there shall be inserted the words “by an inspector” and for the words “an inspector” there shall be substituted the words “the inspector”.

(3) After that subsection there shall be inserted the following subsection—

“(4A) An approved verifier may (subject to the provisions of this Act, to any regulations under section 15 below and to any conditions included in his approval)—

- (a) test any equipment to which this section applies by means of other equipment which has already been tested and which the verifier considers suitable for the purpose,
- (b) if the equipment being tested falls within the prescribed limits of error and by virtue of subsection (10) below is not required to be stamped as mentioned in paragraph (c) below, make a statement in writing to the effect that it is passed fit for use for trade, and
- (c) except as otherwise expressly provided for by or under this Act, stamp it with the prescribed stamp.”

(4) After subsection (6) of that section there shall be inserted the following subsection—

“(6A) In this Act approved verifier, in relation to weighing or measuring equipment of any class or description, means a person who is for the time being approved under section 11A below in relation to the testing, passing and stamping of weighing or measuring equipment of that class or description.”

(5) In subsection (7) of that section, after the words “subsection (4)(c)” there shall be inserted the words “or (4A)(c)”.

(6) In subsection (10) of that section, for the words “(4) and (7)” there shall be substituted the words “(4), (4A) and (7)”.

(7) After that section there shall be inserted the following section—

“Approval of persons to verify equipment manufactured etc by them.

11A.—(1) Subsection (2) below applies where, as regards a person who carries on business (whether in Great Britain or elsewhere) as a manufacturer, installer or repairer of equipment to which section 11 above applies, the Secretary of State—

- (a) is satisfied that the person would, if approved under this section, satisfy the requirements set out in Part II of Schedule 3A to this Act, and
- (b) considers the person a fit and proper person to be so approved.

- (2) The Secretary of State may approve the person for the purpose of—
- (a) testing any equipment to which section 11 above applies and which is manufactured, installed or repaired by him,
 - (b) passing any such equipment as fit for use for trade, and
 - (c) stamping any such equipment with the prescribed stamp.
- (3) Before granting an approval under this section, the Secretary of State may carry out such audits and inspections of the person’s systems and procedures as he considers necessary to establish that the conditions of the approval would be observed.
- (4) Schedule 3A to this Act (which relates to approvals under this section and matters connected with such approvals) shall have effect.
- (5) In that Schedule “approval” means an approval under this section and “the verifier”, in relation to such an approval, shall be construed accordingly.”
- (8) In section 14(1) of the 1985 Act (general specifications of equipment), after the words “an inspector” there shall be inserted the words “or approved verifier”.
- (9) In section 16(1)(a) of that Act (offences in connection with stamping of equipment), after the word “inspector”, in both places where it occurs, there shall be inserted the words “or approved verifier”.
- (10) In subsection (4) of section 74 of that Act (performance by inspectors of additional functions), the words from “Without prejudice” to “this Act” shall be omitted.
- (11) After that subsection there shall be inserted the following subsections—
- “(5) A local weights and measures authority may also make arrangements whereby an inspector may, at the request of the Secretary of State and subject to payment by him of such fee, if any, as the authority may think fit, provide advice and assistance to the Secretary of State in connection with the carrying out by him of any audit or inspection under section 11A(3) above or paragraph 7(3) of Schedule 3A to this Act.
 - (6) Subsections (4) and (5) above are without prejudice to the functions of local weights and measures authorities or inspectors under any other provision of this Act.”
- (12) For subsection (2) of section 75 of that Act (offences in connection with office of inspector) there shall be substituted the following subsections—
- “(1A) Any approved verifier who—
 - (a) stamps any weighing or measuring equipment in contravention of any provision of this Act or of any instrument made under this Act or without duly testing it, or
 - (b) commits any breach of any duty imposed on him by or under this Act, - shall be guilty of an offence.
 - (2) If any person who is not an inspector, or is not an approved verifier, acts or purports to act as such, he shall be guilty of an offence.
 - (3) Section 34 of this Act shall apply in relation to proceedings for an offence under subsection (1A)(b) above as it applies in relation to proceedings for an offence under Part IV of this Act.”
- (13) In section 79(1) of that Act (general powers of inspection and entry), at the end of paragraph (a) there shall be inserted “or which has been, or which he has reasonable cause to believe to have been, passed by an approved verifier, or by a person purporting to act as such a verifier, as fit for such use”.
- (14) In section 94(1) of that Act (general interpretation), immediately before the definition of “capacity measurement” there shall be inserted the following definition—

““approved verifier” has the meaning given by section 11(6A) above;”.

(15) After Schedule 3 to that Act there shall be inserted, as Schedule 3A, the provisions set out in the Schedule to this Order.