

2003 No. 2761

WEIGHTS AND MEASURES

**The Weighing Equipment (Automatic Catchweighing
Instruments) Regulations 2003**

Made - - - - - 2nd November 2003

Laid before Parliament 4th November 2003

Coming into force - - 3rd March 2004

The Secretary of State, in exercise of the powers conferred upon her by sections 15(1) and 86(1) of the Weights and Measures Act 1985(a), hereby makes the following Regulations:—

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Weighing Equipment (Automatic Catchweighing Instruments) Regulations 2003 and shall come into force on 3rd March 2004.

Interpretation

2.—(1) In these Regulations—

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

“accuracy class” means designation as Class Y(a) or Y(b), together referred to as Class Y(y), in accordance with the provisions of Schedule 1;

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

(a) 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; or

(b) 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;

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

“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;

(a) 1985 c.72; a relevant amending instrument is S.I. 1999/503.

“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 a device 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;

“maximum capacity” means the maximum weighing capacity, not taking into account the additive tare capacity;

“minimum capacity” means the rated value of the load below which the weighing results may be subject to an excessive relative error;

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

“OIML R51” or “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 10(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 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;

“weight indicating device” means the device which indicates the weight of a load on a load receptor of the automatic catchweighing instrument; and

“zero-setting device” means a device which allows the setting of the indicating device to zero when the load receptor is empty.

(2) Any expression or 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.

Application and Effect

3.—(1) Subject to paragraphs (2) and (3) 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 is also capable of functioning as a non-automatic weighing instrument to which the Non-automatic Weighing Instruments Regulations 2000(b) apply, when the instrument is being so used as a non-automatic weighing instrument.

(3) These Regulations shall not apply to any automatic catchweighing instrument which has been lawfully used for trade before these Regulations came into force.

(a) See S.I. 1968/1615, amended by S.I. 1999/504.

(b) S.I. 2000/3236.

Transitional exclusion

4.—(1) Subject to paragraph (2), these Regulations shall not apply to an automatic catchweighing instrument—

- (a) which comprises an automatic catchweight weighing machine for the purposes of the Weighing Equipment (Non-automatic Weighing Machines) Regulations 2000(a); and
- (b) which, pursuant to regulation 3(6) thereof(b), 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.

(2) The exception provided in paragraph (1) does not apply in the case of an automatic catchweighing instrument which bears the marking “R51”.

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 2; and
 - (b) the requirements of Schedule 3 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 remains in force at the time when such instrument is so passed;
- (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
- (c) subject to regulation 9, have successfully undergone initial verification testing and, as part of that testing, an accuracy class has been confirmed in respect of it; for the purposes of these Regulations, initial verification testing means testing of an automatic catchweighing instrument in accordance with the procedure specified in clause 5.3 (initial verification) of Part 1 of OIML R51 or on an equivalent basis.

Supplementary indications

7. Where the indication of the exact quantity of material an automatic catchweighing instrument purports to weigh is given in metric units of measurement that indication may also be given by means of a supplementary indication up to and including 31st December 2009.

Supplementary requirements

8.—(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 which has been dismantled and transported before use 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.

(a) S.I. 2000/932.

(b) Regulation 3(6) is inserted pursuant to regulation 17(1) of these Regulations.

(4) An automatic catchweighing instrument that has not been dismantled, or one where an inspector is satisfied that any dismantling and re-assembly or transportation to its intended place of use could not, in his opinion, affect the accuracy or functioning of the automatic catchweighing instrument, may be tested, with a view to passing that 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

9.—(1) In relation to an automatic catchweighing instrument imported into Great Britain from another EEA State, subject to paragraph (3), 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 10(2)—

(a) “requisite documentation” means—

- (i) the test report 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 clause 5.3 (initial verification) of Part 1 of OIML R51 or on an equivalent basis, 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” for the purposes of this regulation if it is a body in a member State or in an EEA State which has responsibility in that State for metrological control of automatic catchweighing instruments or is a laboratory which has been accredited for the purposes of testing automatic catchweighing instruments in a member State or in an EEA State as being a body which conforms with the criteria set out in BS EN ISO/IEC 17025:2000(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 8(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

10.—(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 9, the test report recites and the test data confirm to the satisfaction of the inspector that, on testing in accordance with the provisions of clause 5.3 (initial verification) of

(a) BS EN ISO/IEC 17025:2000 is the international standard “General requirements for the competence of testing and calibration laboratories” (ISBN 0 580 34929 2).

Part 1 of OIML R51 or on an equivalent basis, 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.

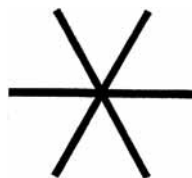
Stamping

11.—(1) The stamp shall be placed on the verification mark support referred to in clause 3.9.2 of OIML R51 which is set out 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)

12. 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)

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

(a) on testing in accordance with clause 5.3 of Part 1 of OIML R51 fails to fall within the prescribed limits of error for in-service testing; or

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

(2) Except as provided by regulation 14, 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 on instruments which are unfit for use for trade

14.—(1) 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 10.

(2) Subject to paragraph (3), an inspector shall obliterate the stamp on any automatic catchweighing instrument which has, since it was last stamped, been the subject of any of the following occurrences, that is to say, adjustment, alteration, addition, repair or replacement which could, in the opinion of the inspector, have affected its accuracy or function.

(3) Where an automatic catchweighing instrument has been subjected to one or other of the occurrences in paragraph (2) and the chief inspector of weights and measures for the area in which the instrument is situated has been furnished in writing with details of the occurrence, an inspector may obliterate the stamp.

Power to obliterate stamps on instruments which are unfit for use for trade for a particular purpose

15. An inspector may obliterate the stamp on any automatic catchweighing instrument if—
- (a) it is in use for trade for a particular purpose and—
 - (i) is used in such a way as not to meet the requirements of regulation 5; or
 - (ii) in the opinion of the inspector, is otherwise unsuitable for use for that purpose; or
 - (b) it is in use for trade in circumstances where the instrument is subject to any extraordinary environmental or operating conditions which, in the opinion of the inspector—
 - (i) prevent the instrument operating consistently and correctly; or
 - (ii) are likely prematurely to degrade the metrological characteristics of the instrument.

Obliteration of all stamps

16.—(1) Subject to paragraph (2), 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.

(2) As an exception for the purposes of section 11(2)(b) of the Act (express provision authorising the use for trade or possession for such use of equipment where the stamp remains undefaced), in the application of paragraph (1) to an automatic catchweighing instrument which is also capable of functioning as a non-automatic weighing instrument to which the Regulations specified in regulation 3(2) apply, the obliteration of any stamp shall not be taken to preclude the use for trade or possession for such use of the instrument in its measurement function as such a non-automatic weighing instrument, unless the instrument bears a disqualification sticker as provided for in regulation 23 or 24 of the Non-automatic Weighing Instruments Regulations 2000.

**PART IV
GENERAL**

Amendment

17.—(1) In regulation 3 (application) of the Weighing Equipment (Non-automatic Weighing Machines) Regulations 2000—

- (a) the following sub-paragraph is inserted after sub-paragraph (i) of paragraph (2)—
 - “(j) subject to paragraph (6) below, automatic catchweight weighing machines of accuracy classification Class III or Class IIII;”;
- (b) the following paragraph is added at the end—

“(6) Notwithstanding paragraph (2)(j), these Regulations shall apply to automatic catchweight weighing machines of accuracy classification Class III or Class IIII which, within a period of 10 years from the date on which the Weighing Equipment (Automatic Catchweighing Instruments) Regulations 2003(a) came into force, are first passed as fit for use for trade for the purposes of these Regulations.”.

(2) The Weights and Measures Regulations 1963(b) are hereby amended in regulation 1(2) by the insertion after sub-paragraph (l) of the following sub-paragraph—

- “(m) automatic catchweighing instruments to which the Weighing Equipment (Automatic Catchweighing Instruments) Regulations 2003(c) apply.”.

Sainsbury of Turville,
Parliamentary Under-Secretary of State
for Science and Innovation,
Department of Trade and Industry

2nd November 2003

(a) S.I. 2003/2761.
(b) S.I. 1963/1710 to which there are amendments not relevant to these Regulations.
(c) S.I. 2003/2761.

SCHEDULE 1

Regulations 2(1) and 6(c)

(Accuracy Classes for Catchweighing Instruments)

Instruments designated Class Y(a) and Y(b)

An instrument which is made in accordance with an approved pattern and which is marked Y(a) is a Class Y(a) instrument. The specifications for a Class Y(a) instrument are as follows—

Lower limit of the Minimum capacity “Min”:	20 e
Number of scale intervals:	$\leq 10,000$

An instrument which is made in accordance with an approved pattern and which is marked Y(b) is a Class Y(b) instrument. The specifications for a Class Y(b) instrument are as follows—

Lower limit of the Minimum capacity “Min”:	10 e
Number of scale intervals:	$\leq 1,000$

SCHEDULE 2

Regulation 5(a)

(Manner of Erection and Installation)

Installation (Principle from Clause 5.3.1 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.

Cleaning and testing

Every automatic catchweighing instrument shall be positioned so as to facilitate cleaning and testing.

Dynamic setting (Extract from Clause 3.2.3 of OIML R51)

Instruments with dynamic setting shall have a facility for any access to dynamic setting to be automatically and non-erasably recorded.

SCHEDULE 3

Regulation 5(b)

(Requirements in respect of Use and Manner of Use)

Maximum and minimum capacities (Extract from Clause 2.4 of OIML 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

Temperature (Principle from Clause 2.9.1 of OIML R51)

Instruments shall comply with the appropriate metrological and technical requirements at temperatures from -10°C to $+40^{\circ}\text{C}$. 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°C and shall be specified in the descriptive markings.

Where an automatic catchweighing instrument is marked with a temperature range it shall not be used for trade in temperatures outside that range.

Tilting (Principle from Clause 2.9.3 of OIML 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 an automatic catchweighing instrument is fitted with a level indicating device it 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.

Definition of waste

For the purposes of the second paragraph of the preceding section of this Schedule (Specified purpose or manner of use), "waste" shall be construed in accordance with section 75 of the Environmental Protection Act 1990(a), provided that "waste" shall include any waste disposed of for reprocessing or recycling purposes but shall not include any radioactive waste as defined in section 2 of the Radioactive Substances Act 1993(b).

Zero-setting device (Extract from Clause 3.3.1 of OIML R51)

An automatic zero-setting device shall operate:

- only when the stability criteria are fulfilled
- sufficiently often to ensure that the zero is maintained within 0.5 e.

A non-automatic zero-setting device shall not be operable during automatic operation.

A semi-automatic zero-setting device shall function only when the stability criteria are fulfilled.

Zero-tracking device (Extract from Clause 3.3.2 of OIML R51)

A zero-tracking device shall operate only when:

- the indication is at zero, or at a negative net value equivalent to gross zero, and
- the stability criteria are fulfilled, and
- the corrections are not more than 0.5 e/second.

Tare device (Extract from Clause 3.3.3 of OIML R51)

A semi-automatic or automatic tare device shall operate only when the stability criteria are fulfilled.

A non-automatic or semi-automatic tare device shall not be operable during automatic operation.

Suitability for use (Extract from Clause 3.1 of OIML R51)

An instrument shall be designed to suit the method of operation and the loads for which it is intended. It shall be of adequately robust construction in order that it maintains its metrological characteristics.

Minimum capacity (Extract from Clause 3.5 of OIML R51)

Printing a weighing result below minimum capacity shall not be possible.

Maximum capacity (Extract from Clause 3.4.3 of OIML R51)

There shall be no indication above $\text{Max} + 9 e$.

Rate of operation

An automatic catchweighing instrument shall not be used above the maximum rate of operation.

SCHEDULE 4

Regulation 6(b)

(Descriptive Markings and Verification Marks: Principles from Part 1 of OIML R51 and Additional Descriptive Marking)

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)

(a) 1990 c. 43.

(b) 1993 c. 12.

- 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: \pm . . .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
- name or identification mark of the manufacturer
- pattern approval number
- electrical supply voltage
- electrical supply frequency
- pneumatic pressure.

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 qualities 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 conservation 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 qualities, inserted into a plate fixed to the instrument, or in a cavity bored in the instrument.

Additional Descriptive Marking

Automatic catchweighing instruments shall bear the additional descriptive marking “R51” which shall be presented in accordance with the provisions of clause 3.9.2 of Part 1 of OIML R51.

SCHEDULE 5

Regulation 10(3)

(Prescribed Limits of Error)

Maximum permissible errors for class Y(y) instruments

(Principle from Clause 2.3 of OIML 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

Load (m) expressed in verification scale intervals (e)		Maximum permissible error for class Y(y) instruments	
Class Y(a)	Class Y(b)	Initial verification	In-service
$0 < m \leq 500$	$0 < m \leq 50$	$\pm 1.5 e$	$\pm 2 e$
$500 < m \leq 2,000$	$50 < m \leq 200$	$\pm 2 e$	$\pm 3 e$
$2,000 < m \leq 10,000$	$200 < m \leq 1,000$	$\pm 2.5 e$	$\pm 4 e$

(Principle from Clause 2.5.2 of OIML 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) for static weighing in non-automatic operation shall be as specified in Table 2.

Table 2

Load (m) expressed in verification scale intervals (e)		Maximum permissible error for class Y(y) instruments	
Class Y(a)	Class Y(b)	Initial verification	In-service
$0 < m \leq 500$	$0 < m \leq 50$	$\pm 0.5 e$	$\pm 1 e$
$500 < m \leq 2,000$	$50 < m \leq 200$	$\pm 1 e$	$\pm 2 e$
$2,000 < m \leq 10,000$	$200 < m \leq 1,000$	$\pm 1.5 e$	$\pm 3 e$

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement, in Great Britain, International Recommendation OIML R51 of the Organisation Internationale de Métrologie Légale relating to automatic catchweighing instruments (Edition 1996 (E)), to the extent that the Recommendation applies to such instruments following the grant or renewal of a certificate of approval of a pattern by the Secretary of State under section 12 of the Weights and Measures Act 1985 (the 1985 Act).

2. A definition of “automatic catchweighing instrument” and some supplementary definitions appear in regulation 2(1).

3. Regulation 3 applies the Regulations to automatic catchweighing instruments, which are prescribed for the purposes of section 11(1) of the 1985 Act (certain equipment to be passed and stamped for use for trade). The Regulations do not apply in the circumstances described in regulations 3(2) and (3). There is a transitional exclusion set out in regulation 4(1) but this exclusion does not apply in the case of an automatic catchweighing instrument which bears the marking “R51”.

4. Regulation 5 sets out some general duties relating to the use for trade of an automatic catchweighing instrument in terms of erection and installation (Schedule 2), and use and manner of use (Schedule 3). Regulation 6 provides for certain requirements which must be satisfied before an automatic catchweighing instrument is passed as fit for use for trade for the purposes of the Regulations: these relate to compliance with a pattern in respect of which a “certificate of approval” remains in force, the application of descriptive markings and specified verification marks in accordance with Schedule 4, and provisions in respect of initial verification testing in accordance with the procedure specified in clause 5.3 of Part 1 of OIML R51 (or on an equivalent basis), including confirmation of an “accuracy class” (in accordance with Schedule 1). Regulation 7 provides for supplementary indications of imperial units of measurement on or before 31st December 2009. Regulation 8 incorporates some supplementary requirements relating to the inspection, testing, passing as fit for use for trade and stamping of any automatic catchweighing instrument. Regulation 9 makes provision for automatic catchweighing instruments imported from another EEA State into Great Britain not to be tested by an inspector when an inspector is presented with the “requisite documentation” (as defined in that regulation), unless he is not satisfied with that requisite documentation.

5. Regulation 10 specifies circumstances where an inspector shall not pass an automatic catchweighing instrument as fit for use for trade, including a failure to comply with the prescribed limits of error in accordance with the provisions of regulation 10(3) and Schedule 5. Provision is also made, in regulation 10(2), for circumstances in which an automatic catchweighing instrument imported from another EEA State shall not be passed as fit for use for trade.

6. Regulations 11 to 16 relate to the stamping and obliteration of stamps on automatic catchweighing instruments, including the effect of an obliteration of a stamp on such an instrument which is also capable of functioning as a non-automatic weighing instrument, to which other specified legislation applies when it is so used.

7. Regulation 17 makes consequential amendments to other Regulations.

8. These Regulations have been notified to the European Commission and the other member States in accordance with Directive 98/34/EC of the European Parliament and of the Council (OJ No. L204, 21.7.98, p.37), as amended by Directive 98/48/EC of the European Parliament and of the Council (OJ No. L217, 5.8.98, p.18).

9. Copies of the publications of the Organisation Internationale de Métrologie Légale (see definition of “OIML R51” in regulation 2(1)) are available from the Organisation at 11 rue Turgot, Paris, 75009, France, and from the National Weights and Measures Laboratory (an Executive Agency of the Department of Trade and Industry), Stanton Avenue, Teddington, Middlesex, TW11 0JZ.

10. A Regulatory Impact Assessment in respect of these Regulations is available and a copy can be obtained from the National Weights and Measures Laboratory, Stanton Avenue, Teddington, Middlesex, TW11 0JZ. A copy has also been placed in the libraries of both Houses of Parliament.

11. BS EN ISO/IEC 17025:2000 is available from any of the sales outlets operated by the British Standards Institution or from the British Standards Institution, Linford Wood, Milton Keynes, MK14 6LE.

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