

2008 No. 3262

REGULATORY REFORM

**The Legislative Reform (Verification of Weighing and
Measuring Equipment) Order 2008**

Made - - - - *18th December 2008*

Coming into force - - *19th December 2008*

The Secretary of State for Innovation, Universities and Skills makes the following Order, in exercise of the powers conferred by section 1 of the Legislative and Regulatory Reform Act 2006(a).

For the purposes of section 3(1) of that Act, the Secretary of State considers, where relevant, that the conditions in section 3(2) are satisfied.

The Secretary of State has consulted in accordance with section 13(1) of that Act (save to the extent covered by section 13(3) and (4) of that Act).

The Secretary of State laid a draft Order and an explanatory document before Parliament in accordance with section 14(1) of that Act.

Pursuant to section 15 of that Act, the affirmative resolution procedure (within the meaning of Part 1 of that Act) applies in relation to the making of the Order.

In accordance with section 17(2) of that Act, the draft has been approved by resolution of each House of Parliament after the expiry of the 40-day period referred to in that provision.

Citation and commencement

1. This Order may be cited as the Legislative Reform (Verification of Weighing and Measuring Equipment) Order 2008 and shall come into force on the day after it is made.

Amendment to the Weights and Measures Act 1985

2.—(1) The Weights and Measures Act 1985(b) is amended as follows.

(a) 2006 c.51.

(b) 1985 c.72. This Act has been amended many times, but the only amendments which are relevant for the purposes of this Order are those made by S.I. 1999/503 which in particular amended section 11 and inserted sections 11A and Schedule 3A, relating to approved verifiers.

(2) In section 11A(2)(a) after “installed”, insert “, adjusted”.

18th December 2008

Drayson of Kensington
Minister of State for Science and Innovation
Department for Innovation, Universities and Skills

EXPLANATORY NOTE

(This note is not part of the Order)

Under section 11(2) of the Weights and Measures Act 1985, certain types of weighing and measuring equipment, which are prescribed in regulations made by the Secretary of State, must not be used for trade unless they have been passed as fit for use for trade and bear a stamp (undefaced save by reason of fair wear and tear) indicating that they have been so passed. The stamp is placed on seals which are placed on certain parts of the equipment. Requirements as to sealing and stamping are imposed in regulations made by the Secretary of State (see for example regulation 20 of the Measuring Equipment (Liquid Fuel and Lubricants) Regulations 1995 (S.I. 1995/1014)) and pattern or type approvals issued by the Secretary of State or a Notified Body designated by a Member State.

The process of testing equipment and passing and stamping it as fit for use for trade is known as “verification”; it ensures that equipment in use for trade complies with the relevant statutory requirements, in particular as regards accuracy. The process of subsequently improving the accuracy of equipment that has been properly verified is known as “adjustment”. Equipment must also be re-verified after it has been re-installed, repaired or adjusted, where these processes affect the metrological characteristics of the equipment. In practical terms these processes cannot be carried out without interfering with the seals, which in turn means that the stamps are necessarily removed or defaced, so that the equipment requires re-verification in order to comply with section 11(2) again.

The functions of verification and re-verification under the 1985 Act must be carried out either by an inspector of weights and measures or by an approved verifier. Inspectors are appointed by local weights and measures authorities under section 72(1) of the Act. Approved verifiers are approved against criteria by the Secretary of State under section 11A of the Act, which was inserted by the Deregulation (Weights and Measures) Order 1999 (S.I. 1999/503): such approvals are only issued to manufacturers, installers or repairers of equipment who are only permitted to verify or re-verify equipment which they have themselves manufactured, installed or repaired.

The current wording of section 11A(2)(a) permits approved verifiers to be appointed to verify or re-verify equipment which they have manufactured, installed or repaired but not to re-verify equipment which they have subjected to adjustment.

This Order amends section 11A of the 1985 Act so as to permit approved verifiers to be approved for the additional purpose of re-verifying equipment which they have adjusted. This means that it will no longer be necessary for an inspector of weights and measures to attend equipment which has been adjusted by an approved verifier.

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