STATUTORY RULES OF NORTHERN IRELAND

2006 No. 154

WEIGHTS AND MEASURES

The Weighing Equipment (Automatic Catchweighing Instruments) Regulations (Northern Ireland) 2006

Made - - - -	*24th March 2006*
Coming into operation	*8th May 2006*

The Department of Enterprise, Trade and Investment(**1**) makes the following Regulations in exercise of the powers conferred by Article 13(1) of the Weights and Measures (Northern Ireland) Order 1981(**2**) and now vested in it(**3**).

PART 1

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Weighing Equipment (Automatic Catchweighing Instruments) Regulations (Northern Ireland) 2006 and shall come into operation on 8th May 2006.

Interpretation

2.—(1) In these Regulations—

"the 1981 Order" means the Weights and Measures (Northern Ireland) Order 1981;

"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 sub-divides articles of different mass into several sub-groups each characterised by a given mass range; or

(**1**) Formerly known as the Department of Economic Development; *see* S.I.1999/283 (N.I. 1), Art. 3(5)
(**2**) S.I. 1981/231 (N.I. 10) as amended by 2000 c. 5 (N.I.)
(**3**) By S.I. 1982/846 (N.I. 11), Art. 4

(b) an automatic checkweighing instrument, that is to say, an instrument which sub-divides 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 the Department under Article 10 of the 1981 Order;

"control instrument" means a weighing instrument used to determine the mass of the test loads;

"Department" means the Department of Enterprise, Trade and Investment;

"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 Mètrologie Lègale 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 stamp prescribed by the Weights and Measures (Prescribed Stamp) Regulations (Northern Ireland) 1969(**4**);

"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.

(**4**) S.R. & O. (N.I.) 1969 No. 11 as amended by S.R. 2002 No. 36

(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 Article 9(1) of the 1981 Order (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(**5**) 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 operation.

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 (Northern Ireland) 2006(**6**); and

(b) which, pursuant to regulation 3(6) thereof(**7**), 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 operation.

(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. A person shall not 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;

(**5**) S.I. 2000/3236
(**6**) S.R. 2006 No. 5
(**7**) Regulation 3(6) is inserted pursuant to regulation 17(1) of these Regulations.

(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 until 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 1981 Order 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.

(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 an EEA State

9.—(1) In relation to an automatic catchweighing instrument imported into Northern Ireland (whether directly or indirectly through Great Britain) from an 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 17025:2005(**8**).

(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 an 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 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.

(**8**) BS EN ISO/1EC 17025:2005 is the international standard "General requirements for the competence of testing and calibration laboratories" (ISBN 0 580 46330 3).