STATUTORY RULES OF NORTHERN IRELAND

2005 No. 27

WEIGHTS AND MEASURES

The Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations (Northern Ireland) 2005

Made - - - -	*7th February 2005*
Coming into operation	*1st March 2005*

The Department of Enterprise, Trade and Investment(**1**), 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**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

PART I

GENERAL

Citation, commencement, consequential disapplication and amendment

1.—(1) These Regulations may be cited as the Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations (Northern Ireland) 2005 and shall come into operation on 1st March 2005.

(2) The Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) Regulations (Northern Ireland) 1986(**4**) are hereby disapplied in respect of any filling instrument which is also a filling machine for the purposes of those Regulations.

(3) For regulation 3(2)(i) of the Weights and Measures Regulations (Northern Ireland) 1967(**5**), there shall be substituted the following –

"(i) filling machines and discontinuous totalisers to which the Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) Regulations (Northern Ireland) 1986 and filling instruments to which the Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations (Northern Ireland) 2005(**6**) apply, except insofar as such

(**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
(**4**) S.R. 1986 No.311 as amended by S.R. 1995 No.228, S.R. 1998 No. 374, S.R. 2002 No. 71 and S.R. 2005 No. 27
(**5**) S.R. & O. 1967 No.237 as amended by S.R. & O. 1972 No. 278, S.R. 1979 No. 436, S.I. 1980/1070, S.R. 1985 No. 319, S.R. 1985 No. 364, S.R. 1986 No. 311, S.R. 1991 No. 266, S.R. 1993 No. 441 and S.R. 1994 No. 322
(**6**) S.R. 2005 No. 27

machines, totalisers and filling instruments are capable of also being used as a non-automatic weighing machine;".

Interpretation

2.—(1) In these Regulations –

(a) "filling instrument" means an instrument which –

(i) serves to determine the mass of a load by using the action of gravity on that load without the intervention of an operator;

(ii) follows a predetermined programme of automatic processes characteristic of the instrument;

(iii) systematically sub-divides material from bulk into separate loads of a predetermined and virtually constant mass; and

(iv) effects an automatic feed and weighing of those loads with the appropriate control and discharge devices; and

(b) any expression and procedure which is not defined in these Regulations and is used both in these Regulations and in OIML R 61 shall bear the same meaning as in OIML R 61.

(2) In these Regulations –

"the 1981 Order" means the Weights and Measures (Northern Ireland) Order1981;

"accuracy class" means the accuracy class, in respect of a filling instrument, determined in accordance with the provisions of regulation 6(c); provided always that the accuracy class in respect of that filling instrument shall not be of a higher level of precision than the reference value for accuracy class in respect of that instrument;

"certificate of approval" means a certificate of approval of a pattern of a filling instrument granted or renewed by the Department under Article 10 of the 1981 Order;

"control instrument" means a weighing instrument used to determine the mass of the test fills delivered by the filling instrument;

"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 a filling instrument on which loads are placed for the purpose of their being weighed;

"maximum capacity" means the maximum discrete load which the filling instrument is authorised to weigh and that can be weighed automatically on a load receptor;

"minimum capacity" means the minimum discrete load which the filling instrument is authorised to weigh and that can be weighed automatically on a load receptor;

"OIML R 61" means the International Recommendation OIML R 61 of the Organisation Internationale de Métrologie Légale relating to automatic gravimetric filling instruments (Edition 1996 (E));

"prescribed limits of error" has the meaning set out in regulation 10(3);

"reference particle mass" means, in respect of a product, the mass equal to the mean of ten of the largest elementary particles or pieces of the product taken from one or more loads;

"reference value for accuracy class" means, in respect of a filling instrument, the value for accuracy class of that instrument determined by static testing of the weighing unit during influence quantity testing prior to a certificate of approval being issued and shall be stated in the certificate of approval: the reference value for accuracy class shall be equal to the best

accuracy class, that is to say the class of the highest level of precision, for which that filling instrument may be tested and passed as fit for use for trade;

"the stamp" or "verification mark" means the stamp prescribed by the Weights and Measures (Prescribed Stamp) Regulations (Northern Ireland) 1969(**7**);

"tare device" means a device for setting the weight indicating device, that is to say the device which indicates the weight of a load on a load receptor of the filling instrument, 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) reducing the weighing range for net loads (subtractive tare device);

"weighing unit" means a device which provides information on the mass of the load being weighed by the filling instrument; and

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

Application

3.—(1) Subject to paragraphs (2) and (3) and regulation 4, these Regulations apply to filling instruments and such instruments are hereby prescribed for the purposes of Article 9(1) of the 1981 Order (weighing or measuring equipment for use for trade).

(2) These Regulations shall not apply to any filling instrument which has been put into use for trade before these Regulations came into operation.

(3) These Regulations shall not apply to any filling instrument for use only for making up packages if, and only if, the packages are subsequently checked in accordance with Article 31(9) (b) of the 1981 Order, and in this paragraph " packages" means packages as defined in Article 30 (1) of the 1981 Order .

Transitional exclusion

4.—(1) Subject to paragraph (2), these Regulations do not apply to a filling instrument –

(a) which comprises a filling machine for the purposes of the Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) Regulations (Northern Ireland)1986; and

(b) which 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 a filling instrument which bears the marking "R 61".

PART II

GENERAL REQUIREMENTS FOR USE FOR TRADE

General duties for use for trade

5. A person shall not use for trade a filling instrument unless –

(a) it has been erected and installed in accordance with the requirements of Schedule 1;

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

(b) the requirements of Schedule 2 in respect of its use and manner of use are complied with; and

(c) in the case of a filling instrument of the description and maximum capacity set out, respectively, in columns 1 and 2 of Schedule 3, it is within the accuracy class specified for that filling instrument in column 3 of Schedule 3 or within an accuracy class of a higher level of precision than the specified class.

Requirements to be satisfied for passing as fit for use for trade

6. Every filling 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 a filling instrument is so passed;

(b) have affixed to it the applicable descriptive markings relating to that filling 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 regulations 5(c) and 9, have successfully undergone initial verification testing and, as part of that testing, an accuracy class has been determined in respect of it: for the purposes of these Regulations, initial verification testing means testing of a filling instrument carried out by an inspector in accordance with the procedure specified in clause 5.3 (initial verification) of Part 1 of OIML R 61.

Supplementary indication

7. Where the indication of the exact quantity of material a filling 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 filling 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 filling 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) A filling instrument, other than one which has been transported without having been dismantled, 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) Where an inspector is satisfied that any dismantling and re-assembly or transportation of a filling instrument to its intended place of use could not in his opinion, affect the accuracy or functioning of that filling instrument, it may be examined, with a view to passing that filling instrument as fit for use for trade at a place other than the intended place of use, for the purposes of initial verification testing.

Filling Instruments imported from another EEA State

9.—(1) In relation to a filling instrument imported into Northern Ireland from another EEA State, (whether directly or indirectly through Great Britain), an inspector shall not, subject to paragraph (4),

carry out any test relating to initial verification testing if, together with the filling 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, in the format set out in Part 2 of OIML R 61, of an approved body that the filling 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 R 61, and stating which tests have been applied to it; and

(ii) the test results relating to those tests; and

(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.

(3) 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 filling instruments or is a laboratory which has been accredited for the purposes of testing filling 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(**8**)."

(4) 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 filling instrument being imported; or

(c) subject to regulation 8(4), that the filling 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 a filling 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 a filling 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 Part 1 of OIML R 61, that filling 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.

(**8**) BS EN ISO/IEC 17025:2000 is the international standard "General requirements for the competence of testing and calibration laboratories" (IBSN 0 580 34929 2)