STATUTORY RULES OF NORTHERN IRELAND

# 2004 No. 189

# WEIGHTS AND MEASURES

## Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) (Amendment) Regulations (Northern Ireland) 2004

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| *Made - - - -* | *23rd April 2004* |
| *Coming into operation* | *24th May 2004* |

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:

**Citation and commencement**

**1.** These Regulations may be cited as the Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) (Amendment) Regulations (Northern Ireland) 2004 and shall come into operation on 24th May 2004.

**Amendment of the Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) Regulations (Northern Ireland) 1986**

**2.**—(1) The Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) Regulations (Northern Ireland) 1986(**4**) shall be amended in accordance with the following paragraphs.

(2) In regulation 22(2), after the words "without having been dismantled", there shall be added the following words –

"or is one where an inspector is satisfied that any dismantling and re-assembly or transportation of that filling machine to the position in which it is to be used could not affect the accuracy or functioning of that filling machine,".

(3) After regulation 23, there shall be added the following regulation –

(**1**) Formerly 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 and S.R. 2002 No. 71

"**Filling Machines imported from another member State or an EEA State**

**23A.**—(1) In relation to a filling machine imported into Northern Ireland from another member State or from an EEA State (whether directly or indirectly through Great Britain), an inspector shall not, subject to paragraph (4), carry out any test in accordance with the foregoing provisions of this Part if, together with the filling machine being imported, he is presented with the requisite documentation.

(2) In this regulation and in regulation 34 –

(a) "requisite documentation" means –

(i) the test report of an approved body that the filling machine which is the subject of that report has been tested on the same basis as that set out in this Part 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 an EEA State which has the responsibility in that State for metrological control of filling machines or is a laboratory which has been accredited in a member State or in an EEA State as being a body which conforms with the criteria set out in EN 45001(**5**).

(4) Nothing in these Regulations shall prevent an inspector testing in accordance with the foregoing provisions of this Part 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 machine being imported; or

(c) that the filling machine has not been dismantled after the tests to which the test report relates were carried out.".

(4) In paragraph (2) of regulation 34 –

(a) before the words "discontinuous totaliser" there shall be inserted the words "filling machine or";

(b) in sub-paragraph (a) for the words "regulation 32A" there shall be substituted the words "regulation 23A or 32A, as the case may be"; and

(c) sub-paragraph (c) shall be omitted.

(**5**) EN 45001 is a European Standard which has the status of a British Standard; it is identical with BS 7501 (ISBN 0 580 17939 7), "General criteria for the operation of testing laboratories"