STATUTORY RULES OF NORTHERN IRELAND

1998 No. 374

WEIGHTS AND MEASURES

Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) (Amendment) Regulations (Northern Ireland) 1998

Made - - - -	*30th October 1998*
Coming into operation	*8th December 1998*

The Department of Economic Development, in exercise of the powers conferred by Articles 9(1) and (3) and 13(1) of the Weights and Measures (Northern Ireland) Order 1981(**1**) and now vested in it(**2**) 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) 1998 and shall come into operation on 8th December 1998.

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

2. The Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) Regulations (Northern Ireland) 1986(**3**) shall be amended as provided in regulations 3 to 14.

3. In regulation 2(1)—

(a) after the definition of "certificate of approval" there shall be added the following definition —

> ""Class", in relation to a discontinuous totaliser, means the Class of accuracy specified in the first column of Table 2 in Schedule 3 which corresponds to the limits of error specified in the second and third columns of that Table;"; and

(b) for the definition of "totalisation scale interval" there shall be substituted the following definition—

(**1**) S.I.1981/231 (N.I. 10)
(**2**) By S.I. 1982/846 (N.I. 11)Art. 4
(**3**) S.R. 1986 No. 311 as amended by S.R. 1995 No. 228

""totalisation scale interval" means the value, expressed in units of mass, of the scale interval of the principal totalisation indicating device of the machine, that is to say, the part of the machine which indicates the sum of all the loads weighed and discharged to bulk;".

4. For regulation 13 there shall be substituted the following regulation—

"**Provision of sealing devices**

13. Every automatic weighing machine shall be provided with either—

(a) a plug or stud made of soft metal and made irremovable by undercutting; or

(b) such sealing arrangements as may be specified in the particular pattern in accordance with which the machine is made as set out in any certificate of approval relating to it and which is in force or in the notice of examination.".

5. Regulation 24 shall be renumbered as paragraph (1) of that regulation and after that paragraph there shall be added the following paragraph—

"(2) In the case of every discontinuous totaliser first passed as fit for use for trade on or after 8th December 1998, the totalisation scale interval shall fall within the range 0.01% to 0.2% of the maximum capacity.".

6. In regulation 25 for paragraphs (*a*) to (*e*) there shall be substituted the following paragraphs—

"(a) its Class;

(b) the maximum capacity of the load receptor;

(c) the minimum load for automatic operation;

(d) the minimum totalised load; and

(e) the totalisation scale interval.".

7. In regulation 26—

(a) paragraphs (2) and (3) shall be omitted; and

(b) in paragraph (4) for the words "paragraphs (1) and (2)" there shall be substituted the words "paragraph (1)".

8. In regulation 31—

(a) for paragraph (1) there shall be substituted the following paragraph—

"(1) A discontinuous totaliser shall not be tested, passed as fit for use for trade and stamped unless either—

(a) it has been completely erected ready for use and installed at the place where it is to be used, or

(b) it has been completely erected ready for use in conditions which are in all material respects the same as those at the place where it is to be used and it is not to be dismantled before it is installed at that place."; and

(b) in paragraph (3) for the words "such material" to the end of the paragraph there shall be substituted the words "a non-automatic weighing machine which meets the requirements of paragraph 5 in Part I of Schedule 2 and such material as the inspector may reasonably require; and any such machine and material so provided shall be returned to the person in question.".

9. After regulation 32 there shall be added the following regulation—

"**Discontinuous totalisers imported from another member State or an EEA State**

32A.—(1) In relation to discontinuous totalisers 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 discontinuous totalisers 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 discontinuous totalisers which are the subject of that report have been tested on the same basis as that set out in this Part and stating which tests have been applied to them; 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 discontinuous totalisers 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(**4**).

(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 discontinuous totalisers being imported; or

(c) that the discontinuous totalisers have not been dismantled after the tests to which the test report relates were carried out.".

10. In regulation 33, there shall be substituted for paragraph (2) the following paragraphs—

"(2) In the case—

(a) of a discontinuous totaliser first passed as fit for use for trade on or after 8th December 1998, the prescribed limits of error relating to the several Classes specified in the first column in Table 2 in Schedule 3 shall be those respectively set out in the second and third columns of that Table; and

(b) of a discontinuous totaliser first passed as fit for use for trade before 8th December 1998, the prescribed limits of error shall be those so set out in relation to Class 1.

(3) For the purposes of the enforcement of these Regulations, a discontinuous totaliser which is marked in accordance with regulation 25 as of a specified Class shall be treated as falling within that Class.".

11. In regulation 34—

(a) at the beginning there shall be added the words "(1) Subject to paragraph (2),"; and

(b) after paragraph (1) there shall be added the following paragraph—

(**4**) 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".

"(2) A discontinuous totaliser imported from another member State or from an EEA State (whether directly or indirectly through Great Britain) shall not be passed as fit for use for trade unless—

(a) where the requisite documentation is presented in accordance with regulation 32A, the test report recites and the test data confirm to the satisfaction of the inspector that on testing in accordance with the provisions of the law of a member State or an EEA State it 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; and

(c) it is constructed in a manner which does not facilitate fraudulent use and does not bear any inscriptions which might cause confusion in use.".

12. In regulation 35, there shall be substituted for paragraph (1) the following paragraph—

"(1) The stamp shall be placed on the plug or stud referred to in paragraph (*a*) of regulation 13 or on any sealing device required by the arrangements referred to in paragraph (*b*) of that regulation.".

13. For Schedule 2 there shall be substituted the following Schedule—

"SCHEDULE 2 regulation 32(1)

Discontinuous Totalisers

Part I

Testing – General Requirements

1. Discontinuous totalisers provided with a display of totalised weight only (to which, accordingly, the requirements of regulations 9 and 24 do not apply) shall be subject to material testing in accordance with Part II of this Schedule.

2. Discontinuous totalisers which embody the facilities referred to in regulation 9 but not those referred to in regulation 24 shall be subject to the requirements of regulation 32(2) in addition to the provisions of Part II of this Schedule.

3. Discontinuous totalisers to which regulations 9 and 24 are applicable may be tested in accordance with the provisions of Part III of this Schedule.

4.—(1) Subject to sub-paragraph (2), when testing a discontinuous totaliser, an inspector shall satisfy himself that—

(a) it is properly balanced or set to zero when unloaded;

(b) any beam or leverwork has sufficient room for oscillation and returns to the position of equilibrium when the load is removed; and

(c) any indicator returns to the zero mark or given point when the load is removed.

(2) Sub-paragraphs (1)(*a*) and (*c*) shall not apply in the case of a discontinuous totaliser of a pattern in respect of which a certificate of approval is in force, if in the certificate of approval or the notice of examination in respect of that pattern it is described as not so constructed as to balance when unloaded.