

2010 No. 2881

WEIGHTS AND MEASURES

The Measuring Instruments (Amendment) Regulations 2010

Made - - - - *2nd December 2010*

Laid before Parliament *3rd December 2010*

Coming into force - - *1st June 2011*

The Secretary of State is a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to, and for purposes ancillary to, the regulation of specifications, construction, placing on the market and use of articles, instruments, containers or other equipment intended for weighing, measuring or testing.

The Secretary of State makes the following Regulations under the powers conferred on him by section 2(2) of that Act.

Citation and commencement

1. These Regulations may be cited as the Measuring Instruments (Amendment) Regulations 2010 and shall come into force on 1st June 2011.

Amendment of the Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006

2. In paragraph 16 (Accuracy classification and maximum permissible errors (MPEs)) of Schedule 1 (Essential Requirements) to the Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006(c), after the table headed “Table 5” insert—

“(10) The measuring system shall not exploit the MPEs or systematically favour any party.”.

Amendment of the Measuring Instruments (Cold-water Meters) Regulations 2006

3. In paragraph 15 (MPE) of Schedule 1 (Essential Requirements) to the Measuring Instruments (Cold-water Meters) Regulations 2006(d), after sub-paragraph (2) insert—

“(3) The cold-water meter shall not exploit the MPE or systematically favour any party.”.

(a) S.I. 1975/427.

(b) 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1).

(c) S.I. 2006/1266.

(d) S.I. 2006/1268, to which there are amendments not relevant to these Regulations.

Amendment of the Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations 2006

4. In paragraph 16 (Accuracy classification and maximum permissible errors (MPEs)) of Schedule 1 (Essential Requirements) to the Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations 2006(a), after the table headed “Table 3” insert—

“(8) The meter measuring system shall not exploit the MPEs or systematically favour any party.”.

Amendment of the Measuring Instruments (Non-Prescribed Instruments) Regulations 2006

5. Part 2 of Schedule 1 to the Measuring Instruments (Non-Prescribed Instruments) Regulations 2006(b) is amended as follows—

- (a) in paragraph 18 (MPE) in Part A (Water Meters), after sub-paragraph (2) insert—

“(3) The water meter shall not exploit the MPE or systematically favour any party.”;
- (b) in paragraph 27 (MPE applicable to complete heat meters) in Part B (Heat Meters), at the end insert “The complete heat meter shall not exploit the MPEs or systematically favour any party.”;
- (c) in paragraph 36 (Accuracy classification and maximum permissible errors (MPEs)) in Part C (Measuring System for the Continuous and Dynamic Measurement of Quantities of Liquids other than Water), after sub-paragraph (7) insert—

“(8) The measuring system shall not exploit the MPEs or systematically favour any party.”; and
- (d) in paragraph 64 (MPE) in Part G (Volume Conversion Devices), after the note insert “The volume conversion device shall not exploit the MPEs or systematically favour any party.”.

Amendment of the Measuring Instruments (Active Electrical Energy Meters) Regulations 2006

6. Schedule 1 to the Measuring Instruments (Active Electrical Energy Meters) Regulations 2006(c) is amended as follows—

- (a) in paragraph 2 (Definitions), before ““climatic environments” means” insert—

““Class A” means, in relation to a relevant instrument, that it has been declared by the manufacturer as compliant with the essential requirements applicable to a relevant instrument of that class;

“Class B” means, in relation to a relevant instrument, that it has been declared by the manufacturer as compliant with the essential requirements applicable to a relevant instrument of that class;

“Class C” means, in relation to a relevant instrument, that it has been declared by the manufacturer as compliant with the essential requirements applicable to a relevant instrument of that class;”; and
- (b) in paragraph 15 (Maximum permissible error (MPE)), after sub-paragraph (5) insert—

“(6) The relevant instrument shall not exploit the MPEs or systematically favour any party.”.

(a) S.I. 2006/1269.

(b) S.I. 2006/1270, to which there are amendments not relevant to these Regulations.

(c) S.I. 2006/1679.

Amendment of the Measuring Instruments (Gas Meters) Regulations 2006

7. Schedule 1 to the Measuring Instruments (Gas Meters) Regulations 2006(a) is amended as follows—

- (a) in paragraph 2 (Definitions)—
 - (i) between the definition of “base conditions” and the definition of “climatic environments” insert—

““Class 1.5 relevant instrument” means a relevant instrument declared by the manufacturer as compliant with the essential requirements applicable to a relevant instrument of that class;

“Class 1.0 relevant instrument” means a relevant instrument declared by the manufacturer as compliant with the essential requirements applicable to a relevant instrument of that class;”; and
 - (ii) in the definition of “overload flowrate” insert “(“Qr”)” before “means the highest flowrate at which the relevant instrument operates”;
- (b) in paragraph 12 (Rated operating conditions), in the heading in the far right hand column of Table 2 for “Qt” substitute “Qr”; and
- (c) in paragraph 13 (Maximum permissible error (MPE))—
 - (i) in sub-paragraph (3), omit “When the errors between Qt and Qmax all have the same sign, they shall all not exceed 1% for Class 1.5 and 0.5% for Class 1.0.”; and
 - (ii) after sub-paragraph (4) insert—

“(5) The relevant instrument shall not exploit the MPEs or systematically favour any party.”.

2nd December 2010

David Willetts
Minister of State for Universities and Science
Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

The requirements of Directive 2004/22 EC of the European Parliament and of the Council on measuring instruments (OJ No L 135, 30.4.04, p1) (“the 2004 Directive”) relating to the maximum permissible errors of the instruments covered by instrument specific annexes M1-001 to MI-005 were implemented by the Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006, the Measuring Instruments (Cold-water Meters) Regulations 2006, the Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations 2006, the Measuring Instruments (Non-Prescribed) Instruments Regulations 2006, the Measuring Instruments (Active Electrical Energy Meters) Regulations 2006 and the Measuring Instruments (Gas Meters) Regulations 2006 (together “the 2006 Regulations”).

The 2004 Directive included a general protection against unduly biased errors of measurement (outside the controlled range) of the utility measuring instruments within instrument specific annexes M1-001 to MI-004 of that Directive.

Commission Directive 2009/137/EC amending Directive 2004/22/EC of the European Parliament and of the Council in respect of exploitation of the maximum permissible errors as

(a) S.I. 2006/2647.

regards the instrument specific annexes MI-001 to MI-005 (OJ No L 294, 11.11.09, p7) (“the 2009 Directive”) amends the 2004 Directive to provide a specific protection against the systematic exploitation of maximum permissible errors of measurement (inside the controlled range) of the measuring instruments within the instrument specific annexes MI-001 to MI-005 of the 2004 Directive.

Regulations 2 to 7 implement the 2009 Directive by amending the 2006 Regulations so as explicitly to prohibit such systematic exploitation in the case of the measuring instruments to which the 2006 Regulations apply. They also make a number of other minor amendments to the Measuring Instruments (Active Electrical Energy Meters) Regulations 2006 and the Measuring Instruments (Gas Meters) Regulations 2006.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the National Measurement Office, Stanton Avenue, Teddington, Middlesex, TW11 0JZ. As these Regulations transpose the 2009 Directive, a Transposition Note setting out how the Government has transposed the Directive into United Kingdom Law has been prepared. Copies of the Transposition Note are available from the National Measurement Office, as above.

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