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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement, in Great Britain, International Recommendation OIML R 61 of the Organisation Internationale de Métrologie Légale relating to automatic gravimetric filling instruments (Edition 1996 (E)), to the extent that the Recommendation applies to such instruments following the grant or renewal of a certificate of approval of a pattern by the Secretary of State under section 12 of the Weights and Measures Act 1985 (the 1985 Act).

2. Regulation 3 applies the Regulations to “filling instruments”, as defined in regulation 2(1) (a), which are prescribed for the purposes of section 11(1) of the 1985 Act (certain equipment to be passed and stamped for use for trade). The Regulations do not apply in the circumstances described in regulations 3(2) and (3). There is a transitional exclusion set out in regulation 4(1) but this is subject to the case of a “filling instrument” which bears the marking “R 61”.

3. Regulation 5 sets out some general duties relating to the use for trade of a “filling instrument” in terms of erection and installation (Schedule 1), use and manner of use (Schedule 2) and compliance with the accuracy classes specified in Schedule 3. Regulation 6 provides for certain requirements which must be satisfied before a “filling instrument” is passed as fit for use for trade for the purposes of the Regulations: these relate to compliance with a pattern in respect of which a “certificate of approval” remains in force, the application of descriptive markings in accordance with Schedule 4 and provisions in respect of initial verification testing carried out by an inspector in accordance with the procedure specified in clause 5.3 of Part 1 of OIML R 61. Regulation 7 incorporates some supplementary requirements relating to the testing, passing as fit for use for trade and stamping of any “filling instrument”. Regulation 8 makes provision for “filling instruments” imported from another EEA State into Great Britain not to be tested by an inspector when an inspector is presented with the “requisite documentation” (as defined in that regulation), unless he is not satisfied with that “requisite documentation”.

4. Regulation 9 specifies circumstances where an inspector shall not pass a “filling instrument” as fit for use for trade, including a failure to comply with the prescribed limits of error in accordance with the provisions of regulation 9(3) and Schedule 5. Provision is also made, in regulation 9(2), for circumstances in which a “filling instrument” imported from another EEA State shall not be passed as fit for use for trade.

5. Regulations 10 to 15 relate to the stamping and obliteration of stamps on “filling instruments”.

6. Some supplementary definitions appear in regulation 2(2).

7. These Regulations have been notified to the European Commission and the other member States in accordance with Directive [98/34/EC](#) of the European Parliament and of the Council (OJNo. L204, 21.7.98, p. 37), as amended by Directive [98/48/EC](#) of the European Parliament and of the Council (OJ No. L217, 5.8.98, p. 18).

8. Copies of the publications of the Organisation Internationale de Métrologie Légale (see definition of “OIML R 61” in regulation 2(2)) are available from the Organisation at 11 rue Turgot, Paris, 75009, France, and from the National Weights and Measures Laboratory, Stanton Avenue, Teddington, Middlesex, TW11 0JZ.

9. A Regulatory Impact Assessment in respect of these Regulations is available and a copy can be obtained from the National Weights and Measures Laboratory (an Executive Agency of the

**Status:** *This is the original version (as it was originally made).*

Department of Trade and Industry), Stanton Avenue, Teddington, Middlesex, TW11 0JZ. A copy has also been placed in the libraries of both Houses of Parliament.