
STATUTORY INSTRUMENTS

2003 No. 2454

The Weighing Equipment (Automatic Rail-weighbridges) Regulations 2003

PART I GENERAL

Citation, commencement and consequential amendment

1.—(1) These Regulations may be cited as the Weighing Equipment (Automatic Rail-weighbridges) Regulations 2003 and shall come into force on 1st February 2004.

(2) After sub-paragraph (k) of regulation 1(2) of the Weights and Measures Regulations 1963 ^{M1}, there shall be added the following sub-paragraph—

“(1) automatic rail-weighbridges to which the Weighing Equipment (Automatic Rail-weighbridges) Regulations 2003 ^{M2} apply.”.

Marginal Citations

M1 [S.I. 1963/1710](#); there are other amendments not relevant to these Regulations.

M2 [S.I. 2003/2454](#).

Interpretation

2.—(1) In these Regulations—

“the 1985 Act” means the Weights and Measures Act 1985;

“accuracy class” means the accuracy class, in respect of an automatic rail-weighbridge, determined by the Secretary of State and specified in the certificate of approval, being one of the accuracy classes 0.2, 0.5, 1 or, for the purposes of weighing waste (as defined in Schedule 3) only, 2: provided always that, except when used for the purposes of weighing waste, the accuracy class in respect of that automatic rail-weighbridge may be different for wagon weighing to that for train weighing;

“automatic rail-weighbridge” means an instrument which—

- (i) is used to determine the mass of a railway wagon when it is weighed in motion by using the action of gravity without the intervention of an operator;
- (ii) follows a predetermined programme of automatic processes characteristic of the instrument; and
- (iii) has one or more load receptors inclusive of rails for conveying railway vehicles and includes such of the other components described in Schedule 1 as are specified in the certificate of approval;

“certificate of approval” means a certificate of approval of a pattern of an automatic rail-weighbridge granted or renewed by the Secretary of State under section 12 of the 1985 Act;

“control instrument” means a non-automatic weighing instrument used to determine the mass of a reference wagon;

“initial verification testing” means testing in accordance with the provisions of regulation 6(c);

“instrument” has the same meaning as that for automatic rail-weighbridge;

“load receptor” means the part of the weigh zone that is intended to receive the load and which realises a change in the balance of the automatic rail-weighbridge when a load is placed upon it; and “multiple load receptors” means two or more load receptors placed in series or in parallel that are used as a single load receptor for weighing a wagon that is entirely supported on the load receptors;

“maximum capacity” means the largest load which the automatic rail-weighbridge is designed to weigh-in-motion before totalising;

“maximum wagon weight” means the largest in-motion load which the automatic rail-weighbridge is approved to weigh for a particular site;

“minimum capacity” means the load below which a weighing-in-motion result before totalising may be subject to an excessive relative error;

“minimum wagon weight” means the wagon weight (when the wagon is unloaded) below which a weighing-in-motion result may be subject to an excessive relative error;

“OIML R 106” means the International Recommendation OIML R 106 of the Organisation Internationale de Métrologie Légale relating to automatic rail-weighbridges (Edition 1997 (E));

“prescribed limits of error” has the meaning set out in regulation 9(3);

“reference wagon” means a railway goods vehicle that is recognised by the automatic rail-weighbridge as a vehicle to be weighed being—

(a) of known weight;

(b) typical of those to be used for weighing on the automatic rail-weighbridge; and which has been selected for the purposes of in-motion testing;

“scale interval” or “d” means a value expressed in units of mass for weighing-in-motion that is the difference between—

(a) the values corresponding to two consecutive scale marks for analogue indication; or

(b) two consecutive indicated or printed values for digital indication;

“scale interval for stationary load” means the scale interval used for static tests;

“the stamp” or “verification mark” means the prescribed stamp ^{M3};

“total train” means a number of coupled wagons whose totalised weight is to be obtained;

“wagon” means a loaded or unloaded railway goods vehicle that is recognised by the automatic rail-weighbridge as a vehicle to be weighed;

“weighing-in-motion” means weighing objects that are in motion; and

“weigh zone” means the zone in which a wagon must be located when it is to be weighed.

(2) Any expression or procedure which is not defined in these Regulations and is used both in these Regulations and OIML R 106 shall bear the same meaning as in OIML R 106.

Marginal Citations

M3 See [S.I. 1968/1615](#), amended by [S.I. 1999/504](#).

Application

3.—(1) Subject to paragraph (2) and regulation 4, these Regulations apply to automatic rail-weighbridges and such instruments are hereby prescribed for the purposes of section 11(1) of the 1985 Act (use for trade of weighing or measuring equipment of prescribed classes).

(2) These Regulations do not apply to any automatic rail-weighbridge which has been put into use for trade before these Regulations came into force.

Transitional exclusion

4.—(1) Subject to paragraph (2), these Regulations do not apply to an automatic rail-weighbridge—

- (a) which comprises an automatic weighing machine for the purposes of the Weights and Measures Regulations 1963; 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 force.

(2) The exception provided in paragraph (1) does not apply in the case of an automatic rail-weighbridge which bears the marking “R 106”.

PART II

GENERAL REQUIREMENTS FOR USE FOR TRADE

General Duties for use for trade

5. No person shall use for trade an automatic rail-weighbridge unless—

- (a) it has been erected and installed in accordance with the requirements of Schedule 2;
- (b) the requirements of Schedule 3 in respect of its use and manner of use are complied with; and
- (c) when it is used as a non-automatic weighing instrument that serves to determine the mass of a load by using the action of gravity—
 - (i) it complies with the requirements of either the Weighing Equipment (Non-automatic Weighing Machines) Regulations 2000^{M4} or the Non-automatic Weighing Instruments Regulations 2000^{M5} and
 - (ii) it is equipped with an enabling device for non-automatic operation that prevents both automatic operation and weighing-in-motion.

Marginal Citations

M4 [S.I. 2000/932](#).

M5 [S.I. 2000/3236](#).

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

6. Every automatic rail-weighbridge 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 automatic rail-weighbridge is so passed;
 - (b) have affixed to it the applicable descriptive markings relating to that automatic rail-weighbridge 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 regulation 8, have successfully undergone initial verification testing; for the purposes of these Regulations, initial verification testing means testing of an automatic rail-weighbridge in accordance with the procedure specified in clause 5.2 (initial verification) of Part 1 of OIML R 106 or on an equivalent basis.

Supplementary requirements

7.—(1) Every automatic rail-weighbridge 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 1985 Act or these Regulations relating to inspection, testing, passing as fit for use for trade and stamping of any automatic rail-weighbridge, a person submitting such a weighbridge to an inspector or who an inspector has reasonable cause to believe has control of such a weighbridge for use for trade shall, if requested, provide for the inspector's use such test vehicles, material, qualified personnel and control instrument as the inspector may reasonably require: any test vehicles, material, or control instrument so provided shall be returned to the person in question.

(3) An automatic rail-weighbridge, 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 an automatic rail-weighbridge to its intended place of use could not, in his opinion, affect the accuracy or functioning of that weighbridge, it may be examined, with a view to passing that weighbridge as fit for use for trade at a place other than the intended place of use, for the purposes of initial verification testing.

(5) Any control instrument shall comply with the requirements of Schedule 5 which apply to it when it is separate or integral as the case may be.

Automatic Rail-weighbridges imported from [^{F1}an EEA State]

8.—(1) Subject to paragraph (3), in relation to an automatic rail-weighbridge imported into Great Britain from [^{F2}an EEA State], an inspector shall not carry out any test relating to initial verification testing if, together with the weighbridge being imported, he is presented with the requisite documentation.

(2) In this regulation and regulation 9(2)—

(a) “requisite documentation” means—

- (i) the test report of an approved body that the weighbridge which is the subject of that report has been tested on the same basis as the procedure specified in clause 5.2 (initial verification) of Part 1 of OIML R 106 or on an equivalent basis, and stating which tests have been applied to it; and
- (ii) the test results relating to those tests;

where a body is an “approved body” if it is a body in [^{F3}an EEA State] which has responsibility in that State for metrological control of automatic rail-weighbridges or is a laboratory which has been accredited in an EEA State in relation to automatic rail-weighbridges as being a body which conforms with the criteria set out in BS EN ISO/IEC 17025:2000 ^{M6}; and

(b) “EEA State” means a State which is a Contracting Party to the EEA Agreement ^{F4}...; 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) 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 weighbridge being imported; or
- (c) subject to regulation 7(4), that the weighbridge has not been dismantled after the tests to which the test report relates were carried out.

Textual Amendments

- F1** Words in reg. 8 heading substituted (31.12.2020) by *The Weighing and Measuring Equipment and Meters (Amendment of Secondary Legislation) (EU Exit) Regulations 2018* (S.I. 2018/1387), reg. 1(2), **Sch. para. 13(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in reg. 8(1) substituted (31.12.2020) by *The Weighing and Measuring Equipment and Meters (Amendment of Secondary Legislation) (EU Exit) Regulations 2018* (S.I. 2018/1387), reg. 1(2), **Sch. para. 13(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in reg. 8(2)(a) substituted (31.12.2020) by *The Weighing and Measuring Equipment and Meters (Amendment of Secondary Legislation) (EU Exit) Regulations 2018* (S.I. 2018/1387), reg. 1(2), **Sch. para. 13(2)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in reg. 8(2)(b) omitted (31.12.2020) by virtue of *The Weighing and Measuring Equipment and Meters (Amendment of Secondary Legislation) (EU Exit) Regulations 2018* (S.I. 2018/1387), reg. 1(2), **Sch. para. 13(2)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M6** BS EN ISO/IEC 17025:2000 is the international standard “General requirements for the competence of testing and calibration laboratories” (ISBN O 580 34929 2).

PART III

TESTING AND STAMPING

Passing as fit for use for trade

- 9.—(1) An inspector shall not pass as fit for use for trade an automatic rail-weighbridge 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 an automatic rail-weighbridge imported from [^{F5}an EEA State] unless—

- (a) where the requisite documentation is presented in accordance with regulation 8, 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 5.2 (initial verification) of Part 1 of OIML R 106 or on an equivalent basis, that weighbridge 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.

(3) For the purposes of these Regulations, the prescribed limits of error relating to an automatic rail-weighbridge shall be determined in accordance with the provisions of Schedule 6.

Textual Amendments

- F5** Words in reg. 9(2) substituted (31.12.2020) by [The Weighing and Measuring Equipment and Meters \(Amendment of Secondary Legislation\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1387\)](#), reg. 1(2), **Sch. para. 13(3)**; 2020 c. 1, Sch. 5 para. 1(1)

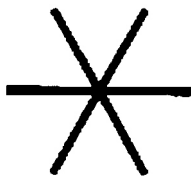
Stamping

10.—(1) The stamp shall be placed on the place for the application of specified verification marks in accordance with the requirements of Schedule 4.

(2) An inspector shall not stamp an automatic rail-weighbridge in accordance with paragraph (1) if it bears any mark which, in his opinion, might reasonably be mistaken for the stamp, or any statement or mark (other than an inspector's stamp) which purports to be or, in the opinion of the inspector, might reasonably be mistaken for an expression of approval or guarantee of accuracy by any body or person.

Manner of obliteration of stamps

11. An inspector shall obliterate a stamp, in accordance with the requirements of these Regulations, by means of punches or pincers of suitable sizes of a six-pointed star design as shown in the following illustration—



Obliteration of stamps

12.—(1) Subject to paragraph (2), an inspector shall obliterate the stamp on any automatic rail-weighbridge which—

- (a) on testing in accordance with clause 5.3 (in-service inspection) of Part 1 of OIML R 106 fails to fall within the prescribed limits of error in relation to obliteration of the stamp; or
- (b) fails to comply with any other appropriate requirement of these Regulations.

(2) Except as provided by regulation 13, where any automatic rail-weighbridge does not fully comply with the requirements of these Regulations, but the nature or degree of the non-compliance is not, in the inspector's opinion, such as to require the immediate obliteration of the stamp, he shall give to the proprietor or any person in control of that weighbridge a notice calling on him to have the

weighbridge corrected within a stated period not exceeding 28 days, and shall obliterate the stamp if the correction has not been made within the stated period.

13.—(1) An inspector shall obliterate the stamp on any automatic rail-weighbridge which has, since it was last stamped, had any alteration or addition made to it such that it could not be passed as fit for use for trade under regulation 9.

(2) Subject to paragraph (3), an inspector shall obliterate the stamp on any automatic rail-weighbridge which has, since it was last stamped, been the subject of any adjustment, alteration, addition, repair or replacement which could, in the opinion of the inspector, have affected its accuracy or function.

(3) Where an automatic rail-weighbridge has been subjected to one or other of the occurrences in paragraph (2) and the chief inspector of weights and measures for the area in which the weighbridge is situated has been furnished in writing with details of the occurrence, an inspector may obliterate the stamp.

14. An inspector may obliterate the stamp on any automatic rail-weighbridge which—

- (a) is in use for trade for a particular purpose and—
 - (i) which does not meet the requirements of Schedule 3 in respect of weighing material within the specified weight range; or
 - (ii) for which purpose, in the opinion of the inspector, it is otherwise unsuitable; or
- (b) is in use for trade in circumstances where the weighbridge is subjected to any extraordinary environmental or operating conditions which, in the opinion of the inspector,—
 - (i) prevent the weighbridge operating consistently and correctly; or
 - (ii) are likely prematurely to degrade the metrological characteristics of the weighbridge.

15.—(1) For the purposes of these Regulations, the obliteration of any one stamp on any automatic rail-weighbridge shall, subject to paragraph (2), be deemed to be the obliteration of all other stamps on that weighbridge.

(2) Where the stamp on one automatic rail-weighbridge forming part of an interconnected system is obliterated, paragraph (1) shall not apply so as to prevent the system or any other automatic rail-weighbridge in the system being used provided that the integrity of the remainder of the system is unimpaired.

Sainsbury of Turville,
Parliamentary Under-Secretary of State for
Science and Innovation,
Department of Trade and Industry

Changes to legislation:

There are currently no known outstanding effects for the The Weighing Equipment (Automatic Rail-weighbridges) Regulations 2003.