

1979 No. 1224**GAS****The Measuring Instruments (EEC Requirements) (Gas Volume Meters) (Amendment) Regulations 1979**

Made - - - - 26th September 1979
Laid before Parliament 3rd October 1979
Coming into Operation 25th October 1979

The Secretary of State, being a Minister designated (a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the regulation of specifications, construction, placing on the market and use of equipment intended for weighing, measuring or testing or for purposes ancillary thereto, in exercise of the powers conferred by that section and of all other powers in that behalf enabling him, hereby makes the following regulations:—

1. The regulations may be cited as the Measuring Instruments (EEC Requirements) (Gas Volume Meters) (Amendment) Regulations 1979 and shall come into operation on 25th October 1979.

2. The Measuring Instruments (EEC Requirements) (Gas Volume Meters) Regulations 1975(c) shall have effect subject to the modifications specified in the Schedule to these regulations.

David Howell,
Secretary of State for Energy.

26th September 1979.

(a) S.I. 1975/427.
(c) S.I. 1975/1873.

(b) 1972 c. 68.

SCHEDULE

Regulation 2

MODIFICATIONS TO THE MEASURING INSTRUMENTS (EEC REQUIREMENTS)
(GAS VOLUME METERS) REGULATIONS 1975

1. In regulation 3, the words "as originally made" shall be inserted before the words "shall apply" and the words "by Commission Directive No. 74/331/EEC(a) and the Commission Directive No. 78/365/EEC(b)" shall be inserted after the word "amended".

2. In the Schedule—

(a) for the title there shall be substituted the following title:—

"MODIFICATIONS TO THE MEASURING INSTRUMENTS
(EEC REQUIREMENTS) REGULATIONS 1975";

(b) in paragraph 1(1)—

(i) in paragraph (a), there shall be substituted for the definition to be inserted the following definition:—

"the Directive on gas volume meters' means Council Directive No. 71/318/EEC as amended by Commission Directive No. 74/331/EEC and Commission Directive No. 78/365/EEC";

(ii) in paragraph (b), for the words from "or an inspector" to the end of the definition to be inserted, there shall be substituted the words "or, in Northern Ireland, under Article 8(1) of the Gas (Northern Ireland) Order 1977(c)";

(c) in paragraph 2, for the words "section 13 of the Gas Regulation Act 1920 (meters to be stamped)" there shall be substituted the words "Article 9 of the Gas (Northern Ireland) Order 1977 (meters not to be used for ascertaining the quantity of gas supplied unless stamped)";

(d) in paragraph 3, there shall be inserted after the words "regulation 6(2)" the following words:—

"for the words 'regulation 3(1) above' there shall be substituted the words 'regulation 3 above and the Directive on gas volume meters' and";

(e) in paragraph 6—

(i) for regulations 14 and 15 of the Part thereby substituted, there shall be substituted the following regulations:—

"Effect of revocation of EEC pattern approval

14.—(1) Where—

(a) the Secretary of State revokes an EEC pattern approval relating to instruments of a category to which the Directive on gas volume meters applies; or

(b) it appears to the Secretary of State that any such pattern approval has been revoked by any Member State other than the United Kingdom,

the Secretary of State may publish in the London Gazette, the Edinburgh Gazette and the Belfast Gazette a notice requiring all instruments of the pattern in question used for the purpose of ascertaining the quantity of gas supplied to any person in England and Wales, Scotland and Northern Ireland respectively to be replaced within a period of six months beginning with the date of the notice; and if after the end of that period any person supplies gas through such an instrument he shall be guilty of an offence.

(a) O.J. No. L189, 12.7.74, p. 9.
(c) S.I. 1977/596 (N.I.7).

(b) O.J. No. L104, 18.4.78, p. 26.

(2) For the purposes of this regulation where a person provides through an instrument of a category to which the Directive on gas volume meters applies, for use in a flat or part of a building let by him, gas supplied to him, he and not the person supplying the gas to him shall be deemed to supply gas through the instrument.

Instruments of defective pattern

15.—(1) Where the Secretary of State is satisfied that instruments of a category to which the Directive on gas volume meters applies constructed according to a pattern in respect of which an EEC pattern approval granted by a Member State other than the United Kingdom is in force reveal in service a defect of a general nature which makes them unsuitable for their intended use, he may publish in the London Gazette, the Edinburgh Gazette and the Belfast Gazette a notice requiring all instruments of the pattern in question used for the purposes of ascertaining the quantity of gas supplied to any person in England and Wales, Scotland and Northern Ireland respectively to be replaced within a period of six months beginning with the date of the notice; and if after the end of that period any person supplies gas through such an instrument he shall be guilty of an offence.

(2) A notice under this regulation shall give particulars of the pattern to which it relates and shall include a statement of the grounds for the publication of the notice.

(3) Paragraph (2) of regulation 14 above shall apply for the purposes of this regulation as it applies for the purposes of that regulation.

(4) The Secretary of State may at any time withdraw a notice under this regulation by publishing a notice of withdrawal in the London, Edinburgh and Belfast Gazettes;

(ii) for regulation 20(2) of the Part thereby substituted, there shall be substituted the following paragraph:—

“(2) In Schedule 1 to the Gas (Northern Ireland) Order 1977 (gas supply code regulating supply of gas by undertakers) references in paragraphs 7 and 10, howsoever expressed, to a meter stamped under Article 9 of that Order shall be construed as including references to a meter bearing the mark of EEC initial verification.”;

(f) in paragraph 7, for the word “‘inspector’” there shall be substituted the word “‘person’”.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Measuring Instruments (EEC Requirements) (Gas Volume Meters) Regulations 1975, which applied the Measuring Instruments (EEC Requirements) Regulations 1975 to gas volume meters with modifications, in consequence of the amendment by Commission Directive No. 78/365/EEC of Council Directive No. 71/318/EEC as already amended by Commission Directive No. 74/331/EEC which, together with Commission Directive No. 71/316/EEC as amended, imposed obligations on the United Kingdom as to EEC pattern approval and initial verification procedures for gas volume meters. Other modifications include new provisions in respect of the revocation of EEC pattern approval and instruments revealing in service defects of a general nature and amendments consequential on the coming into force of the Gas (Northern Ireland) Order 1977.

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