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 STATUTORY INSTRUMENTS
 

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1979 No. 1459

## WEIGHTS AND MEASURES

**The Measuring Instruments (EEC Requirements) (Amendment  
No. 3) Regulations 1979**

*Made* - - - - 14th November 1979

*Laid before Parliament* 23rd November 1979

*Coming into Operation* 2nd January 1980

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, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Measuring Instruments (EEC Requirements) (Amendment No. 3) Regulations 1979 and shall come into operation on 2nd January 1980.

(2) In these Regulations “the principal Regulations” means the Measuring Instruments (EEC Requirements) Regulations 1975(c).

2. The principal Regulations shall apply to instruments of a category to which Council Directive No. 73/360/EEC(d) on non-automatic weighing machines applies; and accordingly the principal Regulations shall have effect subject to the following amendments:—

(a) at the end of Regulation 3 there shall be added the following:—

“(j) instruments of a category to which the Directive on non-automatic weighing machines applies”;

(b) in Regulation 4(1) there shall be inserted after the definition of “the Directive on measuring systems for liquids other than water” the following definition:—

““the Directive on non-automatic weighing machines” means Council Directive No. 73/360/EEC as amended by Commission Directive 76/696/EEC;”;

(a) S.I. 1975/427.

(b) 1972 c. 68.

(c) S.I. 1975/1173, as amended by S.I. 1977/27, S.I. 1978/25, S.I. 1979/80 and S.I. 1979/847.

(d) O. J. No. L335, 5.12.1973, p. 1 as amended by Commission Directive 76/696/EEC (O. J. No. L236, 27.8.1976, p. 26).

(c) in Regulation 4(2)(a) for “or (i)” there shall be substituted “(i) or (j)”;

(d) to paragraph (2) of Regulation 5 there shall be added as a proviso the following:—

“Provided that the foregoing provisions of this paragraph shall not apply to an instrument of a category to which the Directive on non-automatic weighing machines applies of a class of ordinary accuracy bearing the identifying symbol **III**.”;

(e) in Regulation 5 there shall be inserted after paragraph (3) the following paragraph:—

“(3A) Regulation 67 of the Weights and Measures Regulations 1963(a) and Regulation 26(5) and (6) of the Weights and Measures Regulations (Northern Ireland) 1967(b) (requirement that weighing instruments used in transactions in certain higher priced commodities shall be instruments of certain categories) shall not apply to any instrument used in any of the transactions therein set out—

(a) of a category to which the Directive on non-automatic weighing machines applies,

(b) which bears the mark of EEC initial verification, and

(c) of a class of special accuracy or high accuracy bearing the identifying symbol **I** or **II** respectively.”;

(f) to the Table in Regulation 6(2) (which indicates whether a Directive provides for pattern approval or initial verification or both) there shall be added at the end the following entry:—

“The Directive on non-automatic weighing machines.	Yes, except for machines exempted under item 13 of the Annex to the Directive	Yes”;
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(g) in Regulation 13(9) there shall be added after sub-paragraph (v) the following sub-paragraph:—

“(vi) an instrument of a category to which the Directive on non-automatic weighing machines applies of a class of special accuracy or high accuracy bearing the identifying symbol **I** or **II** respectively.”;

(a) S.I. 1963/1710.

(b) S R & O (N.I.) 1967/237.

(h) in Schedule 5 there shall be added after sub-paragraph (v) in Regulation 13(9) as substituted by paragraph 2 of that Schedule, the following sub-paragraph:—

“(vi) an instrument of a category to which the Directive on non-automatic weighing machines applies of a class of special accuracy or high accuracy bearing the identifying symbol  $\text{\textcircled{I}}$  or  $\text{\textcircled{II}}$  respectively;”.

3. No United Kingdom mark of EEC initial verification shall be affixed before 30th September 1980 to an instrument of a category to which the Directive on non-automatic weighing machines applies, and nothing in Regulation 5 of the principal Regulations shall permit the use for trade before that date of such an instrument bearing the mark of EEC initial verification affixed in a member State other than the United Kingdom.

14th November 1979.

*Sally Oppenheim,*  
Minister of State,  
Department of Trade.

#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations apply the Measuring Instruments (EEC Requirements) Regulations 1975, as amended, to non-automatic weighing machines to which Council Directive No. 73/360/EEC (O. J. No. L335, 5.12.1973, p. 1) as amended, applies.

The Regulations provide for:—

- (a) such weighing machines of “ordinary accuracy” (as defined in the Directive) not to be used for trade (Reg. 2(d));
- (b) such weighing machines of “special accuracy” or “high accuracy” to be used for trade in transactions in certain higher priced commodities, namely gold, silver, other precious metals, precious stones, jewellery and silk, and in retail transactions in drugs, other pharmaceutical products and tobacco, as an alternative to weighing instruments complying with Regulation 67 of the Weights and Measures Regulations 1963 and Regulation 26(5) and (6) of the Weights and Measures Regulations 1967 (Northern Ireland) (Reg. 2(e)).

The Regulations come into operation on 2nd January 1980, but the provision for the affixing of UK marks of EEC initial verification and the use for trade of machines initially verified in another member State is only operative from 30th September 1980 (Reg. 3).

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