

---

## EXPLANATORY NOTE

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

These Regulations replace the Measuring Instruments (EEC Requirements) (Electrical Energy Meters) Regulations 1980 (“the 1980 Regulations”), which they revoke.

Like the 1980 Regulations, they implement the obligations of the United Kingdom under Council Directive No. [76/891/EEC](#) (O.J. No. L336, 4.12.1976, p.30) (“the 1976 Directive”), as now amended by Commission Directive No. [82/621/EEC](#) (O.J. No. L252, 27.8.1982, p.1) and by Protocol 1 and Part IX of Annex II to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cm. 2073, European Communities No. 7 (1992) and O.J. No. L1, 3.1.1994, p.1) (“the EEA Agreement”), as itself amended by the Protocol adjusting that Agreement signed at Brussels on 17th March 1993 (Cm. 2183, European Communities No. 2 (1993) and O.J. No. L1, 3.1.1994, p.572). The 1976 Directive makes provision in relation to the technical requirements for the design and functioning of electrical energy meters for the purpose of EEC type (pattern) approval and EEC initial verification granted in accordance with Council Directive No. [71/316/EEC](#) (O.J. No. L202, 6.9.1971, p.1) (“the 1971 Directive”), as amended. (Measures amending the 1971 Directive are Council Directives No. [72/427/EEC](#) (O.J. No. L291, 28.12.1972, p.156), No. [83/575/EEC](#) (O.J. No. L332, 28.11.1983, p.43), No. [87/354/EEC](#) (O.J. No. L192, 11.7.1987, p.43), No. [87/355/EEC](#) (O.J. No. L192, p.46) and No. [88/665/EEC](#) (O.J. No. L382, 31.12.1988, p.42); Protocol 1 and Part IX of Annex II to the EEA Agreement; and the successive Acts of Accession to the European Communities referred to in paragraph 1 of Part IX of Annex II to the EEA Agreement).

The 1971 Directive, which makes provision in relation to measuring instruments generally and methods of metrological control, prohibits national restrictions on the placing on the market or entry into service of measuring instruments bearing the mark certifying EEC initial verification or the sign certifying EEC pattern approval, and requires the same value to be attached to EEC pattern approval and EEC initial verification as to the corresponding national measures.

These Regulations modify the effect of the Electricity Act 1989 (“the Act”) and the Electricity (Northern Ireland) Order 1992 (“the Northern Ireland Order”), which on their face prohibit the use of a meter unless the meter (i) is of an approved pattern or construction and is certified as such, (ii) is certified as conforming to certain standards prescribed by regulations and (iii) is installed in an approved manner. These Regulations deem a meter which is of a pattern in respect of which an EC pattern approval has been granted to be of an approved pattern or construction. (These Regulations use the term “EC”, in substitution to “EEC”, for consistency with paragraph A of Article G of the Treaty on European Union). They also deem a meter which bears the mark of EC initial verification to be certified as required.

The effect is to ensure that, for the purposes of Schedule 7 to the Act or to the Northern Ireland Order, instruments bearing the mark of EC initial verification are treated in the same way as instruments certified under the Act or the Northern Ireland Order, and that instruments of a pattern in respect of which an EC pattern approval has been granted are treated in the same way as instruments of a pattern approved by or under regulations made under the Act or the Northern Ireland Order.

In doing so, these Regulations continue (and clarify) the effect of the 1980 Regulations, in relation to meters of a pattern in respect of which an EC pattern approval has been granted or which bear the mark of EC initial verification, in so far as the 1980 Regulations disappplied corresponding restrictions on their use which were contained in legislation now repealed, and (by virtue of section 17(2)(a) of the Interpretation Act [1978 \(c. 30\)](#)), following such repeal, also disappplied such restrictions contained

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

in those provisions of the Act and the Northern Ireland Order which re-enacted the former provisions with modifications.

These Regulations also apply, with modifications, certain provisions of the Measuring Instruments (EEC Requirements) Regulations 1988 (“the 1988 Regulations”), which implement the 1971 Directive. (The provisions of a predecessor of the 1988 Regulations were applied in relation to electrical energy meters, with modifications, by the 1980 Regulations, which these Regulations replace. Insofar as those provisions were re-enacted by the 1988 Regulations, the re-enacted provisions were also applied by the 1980 Regulations, by virtue of sections 17(2)(a) and 23(1) of the Interpretation Act 1978).

The modifications made by these Regulations include, in particular, provision transferring the power to grant EC pattern approvals in respect of electrical energy meters from the Secretary of State to the Director General of Electricity Supply or the Director General of Electricity Supply for Northern Ireland, as the case may be (“the Director General”).

These Regulations also make provision corresponding to certain other provisions of the 1988 Regulations, again with certain modifications. In these cases, for reasons of clarity, these Regulations do not operate by applying the provisions of the 1988 Regulations by reference and with modifications: instead fresh but analogous provision is made. The power to give directions as to the manner in which an application for EC initial verification is to be made is transferred from the Secretary of State to the Director General.

These Regulations also confer on the Director General power to charge fees in respect of the costs incurred by him for the purpose of the examination of patterns submitted for EC pattern approval and meters submitted for EC initial verification.