
STATUTORY INSTRUMENTS

1995 No. 3117

WEIGHTS AND MEASURES

The Measuring Equipment (Liquid Fuel Delivered from Road Tankers) (Amendment) Regulations 1995

<i>Made</i>	- - - -	<i>30th November 1995</i>
<i>Laid before Parliament</i>		<i>5th December 1995</i>
<i>Coming into force</i>	- -	<i>29th December 1995</i>

The Secretary of State, in exercise of the powers conferred on him by sections 11(1) and (4), 12(12), 15(1), 86(1) and 94(1) of the Weights and Measures Act 1985(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Measuring Equipment (Liquid Fuel Delivered from Road Tankers) (Amendment) Regulations 1995 and shall come into force on 29th December 1995.

Amendment of the Measuring Equipment (Liquid Fuel Delivered from Road Tankers) Regulations 1983

2.—(1) The Measuring Equipment (Liquid Fuel Delivered from Road Tankers) Regulations 1983(2) (“the principal Regulations”) are hereby further amended in accordance with the following provisions of this regulation.

(2) The principal Regulations are hereby further amended by the omission, in Part II, of Regulation 19A.

(3) The principal Regulations are hereby further amended by the addition in Part IV, after Regulation 55, of the following Regulation—

“Measuring equipment imported from another member State or an EEA State

55A.—(1) In relation to measuring equipment imported into Great Britain from another member State or from an EEA State, subject to paragraph (4) below, an inspector shall not carry out any test in accordance with the foregoing provisions of this Part of these Regulations

(1) 1985 c. 72. Section 94(1) contains a definition of “prescribed”.
(2) S.I.1983/1390, as amended by S.I.s 1986/1210 and 1994/1851.

if, together with the measuring equipment being imported, he is presented with the requisite documentation.

(2) In this Regulation and in Regulation 57(2) below—

(a) “requisite documentation” means—

(i) the test report of an approved body stating that the measuring equipment which is the subject of that report has been tested in accordance with the tests mentioned in this Part of these Regulations and stating which tests have been applied to that measuring equipment; and

(ii) the test results relating to those tests; and

(b) “EEA State” means a State which is a Contracting Party to the EEA Agreement other than the United Kingdom; 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) A body is an “approved body” for the purposes of this Regulation if it is a body in a member State or in an EEA State which has the responsibility in that State for metrological control of measuring equipment or is a laboratory which has been accredited in a member State or an EEA State as being a body which conforms with the criteria set out in EN 45001(3).

(4) Nothing in these Regulations shall prevent an inspector testing in accordance with the foregoing provisions of this Part of these Regulations where he is not satisfied—

(a) as to the authenticity of the test report or the test results presented to him; or

(b) that those results in fact relate to the measuring equipment being imported.”.

(4) The principal Regulations are hereby further amended by the substitution for Regulation 57 of the following Regulation—

“Passing as fit for use for trade

57.—(1) Save in a case of measuring equipment imported from another member State or an EEA State, no measuring equipment shall be passed as fit for use for trade unless—

(a) it complies with all the appropriate requirements of these Regulations; and

(b) on testing it falls within the prescribed limits of error.

(2) In the case of measuring equipment imported from another member State or an EEA State, no measuring equipment shall be passed as fit for use for trade unless—

(a) where the requisite documentation is presented in accordance with Regulation 55A above, the test report recites and the test data confirm to the satisfaction of the inspector that on testing in accordance with provisions of the law of a member State or EEA State it fell within limits of error which afford in use at least an equivalent standard to the prescribed limits of error;

(b) it complies with all the other relevant requirements of these Regulations; and

(c) the inspector is of the opinion that it is not constructed in a manner which facilitates fraudulent use and that it does not bear any inscriptions which might cause confusion in use.”.

(3) EN 45001 is a European Standard which has the status of a British Standard; it is identical with BS 7501 (ISBN 0 580 17939 7), “General criteria for the operation of testing laboratories”.

30th November 1995

John M Taylor
Parliamentary Under-Secretary of State,
Department of Trade and Industry

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Measuring Equipment (Liquid Fuel Delivered from Road Tankers) Regulations 1983.

The Regulations make the following changes of substance:

- (a) withdrawal of the requirement imposed by Regulation 19A that, on and after 1st September 1988, every dipstick measuring system incorporated in a bottom loaded compartment be made in accordance with a pattern in respect of which a pattern approval certificate is in force (regulation 2(2));
- (b) provision for the acceptance of test results for measuring equipment imported from other member States of the European Union or contracting parties to the European Economic Area Agreement (regulations 2(3) and 2(4)).

Copies of EN 45001 (BS 7501) referred to in regulation 2(3) may be obtained from any of the sales outlets operated by the British Standards Institution (BSI), from any HMSO bookshop or by post from BSI at Linford Wood, Milton Keynes MK14 6LE.