
STATUTORY INSTRUMENTS

2000 No. 388

The Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations 2000

**PART I
GENERAL**

Citation, commencement, consequential disapplication and amendment

1.—(1) These Regulations may be cited as the Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations 2000 and shall come into force on 17th July 2000.

(2) The Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) Regulations 1986(1) are hereby disappplied in respect of any filling instrument which is also a filling machine for the purposes of those Regulations.

(3) For sub-paragraph (i) of regulation 1(2) of the Weights and Measures Regulations 1963(2), there shall be substituted the following—

“(i) filling machines and discontinuous totalisers to which the Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) Regulations 1986 and filling instruments to which the Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations 2000(3) apply, except insofar as such machines, totalisers and filling instruments are capable of also being used as a non-automatic weighing machine;”.

Commencement Information

II [Reg. 1](#) in force at 17.7.2000, see [reg. 1\(1\)](#)

Interpretation

2.—(1) In these Regulations—

(a) “filling instrument” means an instrument which—

- (i) serves to determine the mass of a load by using the action of gravity on that load without the intervention of an operator;
- (ii) follows a predetermined programme of automatic processes characteristic of the instrument;
- (iii) systematically sub-divides material from bulk into separate loads of a predetermined and virtually constant mass; and

(1) S.I.1986/1320, amended by S.I. 1994/1851, 1996/797, 2000/387.
(2) S.I. 1963/1710; regulation 1(2)(i) was inserted by S.I. 1986/1320.
(3) S.I. 2000/388.

- (iv) effects an automatic feed and weighing of those loads with the appropriate control and discharge devices;
 - (b) unless the context otherwise requires, a reference to a numbered regulation or Schedule is a reference to the regulation or Schedule so numbered in these Regulations and a reference to a paragraph in a regulation is a reference to a paragraph in that regulation; and
 - (c) any expression and procedure which is not defined in these Regulations and is used both in these Regulations and in OIML R 61 shall bear the same meaning as in OIML R 61.
- (2) In these Regulations, unless the context otherwise requires—
- “the 1985 Act” means the Weights and Measures Act 1985;
 - “accuracy class” means the accuracy class, in respect of a filling instrument, determined in accordance with the provisions of regulation 6(c); provided always that the accuracy class in respect of that filling instrument shall not be of a higher level of precision than the reference value for accuracy class in respect of that instrument;
 - “certificate of approval” means a certificate of approval of a pattern of a filling instrument granted or renewed by the Secretary of State under section 12 of the 1985 Act;
 - “control instrument” means a weighing instrument used to determine the mass of the test fills delivered by the filling instrument;
 - “initial verification testing” means testing in accordance with the provisions of regulation 6(c);
 - “level indicator” means a device which indicates when the structure to which it is attached is tilted away from its correct operating position;
 - “load receptor” means a part of a filling instrument on which loads are placed for the purpose of their being weighed;
 - “maximum capacity” means the maximum discrete load which the filling instrument is authorised to weigh and that can be weighed automatically on a load receptor;
 - “minimum capacity” means the minimum discrete load which the filling instrument is authorised to weigh and that can be weighed automatically on a load receptor;
 - “OIML R 61” means the International Recommendation OIML R 61 of the Organisation Internationale de Métrologie Légale relating to automatic gravimetric filling instruments (Edition 1996 (E));
 - “prescribed limits of error” has the meaning set out in regulation 9(3);
 - “reference particle mass” means, in respect of a product, the mass equal to the mean of ten of the largest elementary particles or pieces of the product taken from one or more loads;
 - “reference value for accuracy class” means, in respect of a filling instrument, the value for accuracy class of that instrument determined by static testing of the weighing unit during influence quantity testing prior to a certificate of approval being issued and shall be stated in the certificate of approval: the reference value for accuracy class shall be equal to the best accuracy class, that is to say the class of the highest level of precision, for which that filling instrument may be tested and passed as fit for use for trade;
 - “the stamp” or “verification mark” means the prescribed stamp⁽⁴⁾;
 - “tare device” means a device for setting the weight indicating device, that is to say the device which indicates the weight of a load on a load receptor of the filling instrument, to zero when a load is placed on the load receptor—
 - (a) without altering the weighing range for net loads (additive tare device); or
 - (b) reducing the weighing range for net loads (subtractive tare device);

(4) See S.I. 1968/1615, amended by S.I. 1999/504.

“weighing unit” means a device which provides information on the mass of the load being weighed by the filling instrument; and

“zero-setting device” means a device which allows the setting of that indicating device to zero when the load receptor is empty.

Commencement Information

I2 [Reg. 2](#) in force at 17.7.2000, see [reg. 1\(1\)](#)

Application

3.—(1) Subject to paragraphs (2) and (3) and regulation 4, these Regulations apply to filling instruments 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 filling instrument which has been put into use for trade before these Regulations came into force.

(3) Nothing in these Regulations shall apply to any filling instrument for use only for making up packages if, and only if, the packages are subsequently checked in accordance with section 49(1) (b) of the 1985 Act, and in this paragraph “packages” means packages as defined in section 68(1) of the 1985 Act.

Commencement Information

I3 [Reg. 3](#) in force at 17.7.2000, see [reg. 1\(1\)](#)

Transitional exclusion

4.—(1) Subject to paragraph (2), these Regulations do not apply to a filling instrument—

- (a) which comprises a filling machine for the purposes of the Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) Regulations 1986(5); 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 a filling instrument which bears the marking “R 61”.

Commencement Information

I4 [Reg. 4](#) in force at 17.7.2000, see [reg. 1\(1\)](#)

PART II

GENERAL REQUIREMENTS FOR USE FOR TRADE

General duties for use for trade

5. No person shall use for trade a filling instrument unless—

(5) S.I. 1986/1320, amended by S.I. 1994/1851, 1996/797, 2000/387.

- (a) it has been erected and installed in accordance with the requirements of Schedule 1;
- (b) the requirements of Schedule 2 in respect of its use and manner of use are complied with; and
- (c) in the case of a filling instrument of the description and maximum capacity set out, respectively, in columns 1 and 2 of Schedule 3, it is within the accuracy class specified for that filling instrument in column 3 of Schedule 3 or within an accuracy class of a higher level of precision than the specified class.

Commencement Information

I5 [Reg. 5](#) in force at 17.7.2000, see [reg. 1\(1\)](#)

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

6. Every filling instrument 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 a filling instrument is so passed;
 - (b) have affixed to it the applicable descriptive markings relating to that filling instrument 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 regulations 5(c) and 8, have successfully undergone initial verification testing and, as part of that testing, an accuracy class has been determined in respect of it: for the purposes of these Regulations, initial verification testing means testing of a filling instrument carried out by an inspector in accordance with the procedure specified in clause 5.3 (initial verification) of Part 1 of OIML R 61.

Commencement Information

I6 [Reg. 6](#) in force at 17.7.2000, see [reg. 1\(1\)](#)

[^{F1}**6A.** Where the indication of the exact quantity of material a filling instrument purports to weigh is given in metric units of measurement that indication may also be given by means of a supplementary indication ^{F2}....]

Textual Amendments

- F1** [Reg. 6A](#) inserted (8.2.2001) by [The Weights and Measures \(Metrication Amendments\) Regulations 2001 \(S.I. 2001/85\)](#), regs. 1, **3(2)**
- F2** Words in [reg. 6A](#) omitted (1.1.2010) by virtue of [The Weights and Measures \(Metrication Amendments\) Regulations 2009 \(S.I. 2009/3045\)](#), regs. 1, **3(2)(h)**

Supplementary requirements

7.—(1) Every filling instrument 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 filling instrument, a person submitting such an instrument to an inspector or who an inspector has reasonable cause to believe has control of such an instrument for use for trade shall, if requested,

provide for the inspector's use such material as the inspector may reasonably require and a control instrument: any material or control instrument so provided shall be returned to the person in question.

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

Commencement Information

I7 Reg. 7 in force at 17.7.2000, see [reg. 1\(1\)](#)

Filling Instruments imported from [^{F3}an EEA State]

8.—(1) In relation to a filling instrument imported into Great Britain from [^{F4}an EEA State], subject to paragraph (4), an inspector shall not carry out any test relating to initial verification testing if, together with the filling instrument 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, in the format set out in Part 2 of OIML R 61, of an approved body that the filling instrument which is the subject of that report has been tested on the same basis as the procedure specified in clause 5.3 (initial verification) of Part 1 of OIML R 61, and stating which tests have been applied to it; 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 ^{F5}...; 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.

[^{F6}(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 responsibility in that State for metrological control of filling instruments or is a laboratory which has been accredited for the purposes of testing filling instruments in a member State or in an EEA State as being a body which conforms with the criteria set out in BS EN ISO/IEC 17025:2000.]

(4) 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 filling instrument being imported; or

(c) subject to regulation 7(4), that the filling instrument has not been dismantled after the tests to which the test report relates were carried out.

Textual Amendments

- F3** 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. 10\(2\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F4** 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. 10\(2\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F5** 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. 10\(2\)\(c\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F6** [Reg. 8\(3\)](#) substituted (28.2.2003) by [The Weights and Measures \(Standards Amendment\) Regulations 2003 \(S.I. 2003/214\)](#), [reg. 1](#), [Sch. para. 8](#)

Commencement Information

- I8** [Reg. 8](#) in force at 17.7.2000, see [reg. 1\(1\)](#)

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 a filling instrument unless—
- it complies with all the appropriate requirements of these Regulations; and
 - 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 a filling instrument imported from [^{F7}an EEA State] unless—
- 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 5.3 (initial verification) of Part 1 of OIML R 61, that filling instrument fell within limits of error which afford in use an equivalent standard to the prescribed limits of error; and
 - it otherwise complies with all the relevant requirements of these Regulations.
- (3)** For the purposes of these Regulations and subject to regulation 5(c), the prescribed limits of error relating to a filling instrument shall be determined—
- in accordance with the provisions of Schedule 5; and
 - where test fills are required, on the basis of consecutive fills.

Textual Amendments

- F7** 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. 10\(3\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

19 [Reg. 9](#) in force at 17.7.2000, see [reg. 1\(1\)](#)

Stamping

10.—(1) The stamp shall be placed on the verification mark support referred to in clause 3.11.2 of Part 1 of OIML R 61 which is set out in Schedule 4.

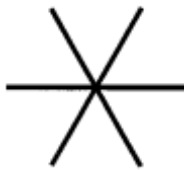
(2) An inspector shall not stamp a filling instrument in accordance with paragraph (1) if it bears any mark which, in his opinion, might reasonably be mistaken for the stamp, or any statement or mark (other than an inspector's stamp) which purports to be or, in the opinion of the inspector, might reasonably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

Commencement Information

110 [Reg. 10](#) in force at 17.7.2000, see [reg. 1\(1\)](#)

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—



Commencement Information

111 [Reg. 11](#) in force at 17.7.2000, see [reg. 1\(1\)](#)

Obliteration of stamps

12.—(1) Subject to paragraph (2), an inspector shall obliterate the stamp on any filling instrument which—

- (a) on testing in accordance with clause 5.4 of Part 1 of OIML R 61 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 filling instrument 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 the filling instrument a notice calling on him to have the instrument 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. An inspector shall obliterate the stamp on any filling instrument 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.

- 14.** An inspector may obliterate the stamp on any filling instrument which—
- (a) has, since it was last stamped, been the subject of any adjustment, alteration, addition, repair or replacement—
 - (i) which could, in the opinion of the inspector, have affected its accuracy or function; and
 - (ii) where the chief inspector of weights and measures for the area where the filling instrument is located has been furnished in writing with details of that adjustment, alteration, addition, repair or replacement;
 - (b) is in use for trade for a particular purpose and—
 - (i) which does not meet the requirements of Schedule 2 in respect of minimum or maximum capacity; or
 - (ii) for which purpose, in the opinion of the inspector, it is otherwise unsuitable; or
 - (c) is in use for trade in circumstances where the filling instrument is subjected to any extraordinary environmental or operating conditions which, in the opinion of the inspector,—
 - (i) prevent the filling instrument operating consistently and correctly; or
 - (ii) are likely prematurely to degrade the metrological characteristics of the filling instrument.

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

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

Commencement Information

- I12** Reg. 12 in force at 17.7.2000, see **reg. 1(1)**
- I13** Reg. 13 in force at 17.7.2000, see **reg. 1(1)**
- I14** Reg. 14 in force at 17.7.2000, see **reg. 1(1)**
- I15** Reg. 15 in force at 17.7.2000, see **reg. 1(1)**

Kim Howells,
Parliamentary Under-Secretary of State for
Consumers and Corporate Affairs,
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Changes to legislation:

There are currently no known outstanding effects for the The Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations 2000.