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## STATUTORY INSTRUMENTS

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# 2003 No. 2454

## The Weighing Equipment (Automatic Rail-weighbridges) Regulations 2003

### PART II

#### GENERAL REQUIREMENTS FOR USE FOR TRADE

##### General Duties for use for trade

5. No person shall use for trade an automatic rail-weighbridge unless—
- (a) it has been erected and installed in accordance with the requirements of Schedule 2;
  - (b) the requirements of Schedule 3 in respect of its use and manner of use are complied with; and
  - (c) when it is used as a non-automatic weighing instrument that serves to determine the mass of a load by using the action of gravity—
    - (i) it complies with the requirements of either the Weighing Equipment (Non-automatic Weighing Machines) Regulations 2000 <sup>M1</sup> or the Non-automatic Weighing Instruments Regulations 2000 <sup>M2</sup> and
    - (ii) it is equipped with an enabling device for non-automatic operation that prevents both automatic operation and weighing-in-motion.

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##### Marginal Citations

- M1 [S.I. 2000/932.](#)  
M2 [S.I. 2000/3236.](#)

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

6. Every automatic rail-weighbridge 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 automatic rail-weighbridge is so passed;
  - (b) have affixed to it the applicable descriptive markings relating to that automatic rail-weighbridge 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 regulation 8, have successfully undergone initial verification testing; for the purposes of these Regulations, initial verification testing means testing of an automatic rail-weighbridge in accordance with the procedure specified in clause 5.2 (initial verification) of Part 1 of OIML R 106 or on an equivalent basis.

### Supplementary requirements

7.—(1) Every automatic rail-weighbridge 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 automatic rail-weighbridge, a person submitting such a weighbridge to an inspector or who an inspector has reasonable cause to believe has control of such a weighbridge for use for trade shall, if requested, provide for the inspector's use such test vehicles, material, qualified personnel and control instrument as the inspector may reasonably require: any test vehicles, material, or control instrument so provided shall be returned to the person in question.

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

(5) Any control instrument shall comply with the requirements of Schedule 5 which apply to it when it is separate or integral as the case may be.

### Automatic Rail-weighbridges imported from [<sup>F1</sup>an EEA State]

8.—(1) Subject to paragraph (3), in relation to an automatic rail-weighbridge imported into Great Britain from [<sup>F2</sup>an EEA State], an inspector shall not carry out any test relating to initial verification testing if, together with the weighbridge 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 of an approved body that the weighbridge which is the subject of that report has been tested on the same basis as the procedure specified in clause 5.2 (initial verification) of Part 1 of OIML R 106 or on an equivalent basis, and stating which tests have been applied to it; and

(ii) the test results relating to those tests;

where a body is an “approved body” if it is a body in [<sup>F3</sup>an EEA State] which has responsibility in that State for metrological control of automatic rail-weighbridges or is a laboratory which has been accredited in an EEA State in relation to automatic rail-weighbridges as being a body which conforms with the criteria set out in BS EN ISO/IEC 17025:2000 <sup>M3</sup>; and

(b) “EEA State” means a State which is a Contracting Party to the EEA Agreement <sup>F4</sup>...; 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) 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 weighbridge being imported; or
- (c) subject to regulation 7(4), that the weighbridge has not been dismantled after the tests to which the test report relates were carried out.

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#### **Textual Amendments**

- F1** 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. 13\(2\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F2** 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. 13\(2\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in [reg. 8\(2\)\(a\)](#) 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. 13\(2\)\(c\)\(i\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F4** 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. 13\(2\)\(c\)\(ii\)](#); 2020 c. 1, Sch. 5 para. 1(1)

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#### **Marginal Citations**

- M3** BS EN ISO/IEC 17025:2000 is the international standard “General requirements for the competence of testing and calibration laboratories” (ISBN O 580 34929 2).

**Changes to legislation:**

There are currently no known outstanding effects for the The Weighing Equipment (Automatic Rail-weighbridges) Regulations 2003, PART II .