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STATUTORY INSTRUMENTS

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**2003 No. 2761**

**The Weighing Equipment (Automatic  
Catchweighing Instruments) Regulations 2003**

**PART I**

**PRELIMINARY**

**Citation and commencement**

1. These Regulations may be cited as the Weighing Equipment (Automatic Catchweighing Instruments) Regulations 2003 and shall come into force on 3rd March 2004.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Weights and Measures Act 1985;

“accuracy class” means designation as Class Y(a) or Y(b), together referred to as Class Y(y), in accordance with the provisions of Schedule 1;

“automatic catchweighing instrument” means an automatic weighing instrument which weighs pre-assembled discrete loads or single loads of loose material, but does not include—

- (a) an automatic weight grading instrument, that is to say, an instrument which sub-divides articles of different mass into several sub-groups each characterised by a given mass range; or
- (b) an automatic checkweighing instrument, that is to say, an instrument which sub-divides articles of different mass into two or more sub-groups according to the value of the difference between their mass and the nominal set point;

“automatic weighing instrument” means a weighing instrument which weighs without the intervention of an operator and follows a pre-determined programme of automatic processes characteristic of the instrument;

“automatic zero-setting device” means a device for setting the indication to zero automatically without the intervention of an operator;

“certificate of approval” means a certificate of approval of a pattern granted or renewed by the Secretary of State under section 12 of the Act;

“control instrument” means a weighing instrument used to determine the mass of the test loads;

“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 an automatic catchweighing instrument intended to receive the load;

“load transport system” means the system used to transport the load over the load receptor;

“maximum capacity” means the maximum weighing capacity, not taking into account the additive tare capacity;

“minimum capacity” means the rated value of the load below which the weighing results may be subject to an excessive relative error;

“non-automatic zero-setting device” means a device for setting the indication to zero by an operator;

“OIML R51” or “R51” means the International Recommendation OIML R51 of the Organisation Internationale de Métrologie Légale relating to automatic catchweighing instruments (Edition 1996 (E));

“prescribed limits of error” has the meaning set out in regulation 10(3);

“semi-automatic zero-setting device” means a device for setting the indication to zero automatically following a manual command;

“the stamp” or “verification mark” means the prescribed stamp<sup>(1)</sup>;

“tare device” means a device for setting the weight indicating device 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) by reducing the weighing range for net loads (subtractive tare device);

“test load” means a load of the type of material which an automatic catchweighing instrument is intended to weigh;

“weight indicating device” means the device which indicates the weight of a load on a load receptor of the automatic catchweighing instrument; and

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

(2) Any expression or procedure which is not defined in these Regulations and is used both in these Regulations and in OIML R51 shall bear the same meaning as in OIML R51.

### **Application and Effect**

3.—(1) Subject to paragraphs (2) and (3) and regulation 4, these Regulations apply to automatic catchweighing instruments for use for trade, and such instruments are hereby prescribed for the purposes of section 11(1) of the Act (use for trade of weighing or measuring equipment of prescribed classes).

(2) These Regulations shall not apply to any automatic catchweighing instrument which is also capable of functioning as a non-automatic weighing instrument to which the Non-automatic Weighing Instruments Regulations 2000<sup>(2)</sup> apply, when the instrument is being so used as a non-automatic weighing instrument.

(3) These Regulations shall not apply to any automatic catchweighing instrument which has been lawfully used for trade before these Regulations came into force.

### **Transitional exclusion**

4.—(1) Subject to paragraph (2), these Regulations shall not apply to an automatic catchweighing instrument—

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

(2) S.I. 2000/3236.

- (a) which comprises an automatic catchweight weighing machine for the purposes of the Weighing Equipment (Non-automatic Weighing Machines) Regulations 2000<sup>(3)</sup>; and
  - (b) which, pursuant to regulation 3(6) thereof<sup>(4)</sup>, 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 an automatic catchweighing instrument which bears the marking “R51”.

## PART II

### GENERAL REQUIREMENTS FOR USE FOR TRADE

#### General duties for use for trade

5. No person shall use for trade an automatic catchweighing instrument unless—
- (a) it has been erected and installed in accordance with the requirements of Schedule 2; and
  - (b) the requirements of Schedule 3 in respect of its use and manner of use are complied with.

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

6. Every automatic catchweighing 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 instrument is so passed;
  - (b) have affixed to it the applicable descriptive markings relating to that automatic catchweighing 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 regulation 9, have successfully undergone initial verification testing and, as part of that testing, an accuracy class has been confirmed in respect of it; for the purposes of these Regulations, initial verification testing means testing of an automatic catchweighing instrument in accordance with the procedure specified in clause 5.3 (initial verification) of Part 1 of OIML R51 or on an equivalent basis.

#### Supplementary indications

7. Where the indication of the exact quantity of material an automatic catchweighing instrument purports to weigh is given in metric units of measurement that indication may also be given by means of a supplementary indication up to and including 31st December 2009.

#### Supplementary requirements

- 8.—(1) Every automatic catchweighing 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 Act or these Regulations relating to inspection, testing, passing as fit for use for trade and stamping of any automatic catchweighing 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,

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(3) S.I. 2000/932.

(4) Regulation 3(6) is inserted pursuant to regulation 17(1) of these Regulations.

and a control instrument: any material or control instrument so provided shall be returned to the person in question.

(3) An automatic catchweighing instrument which has been dismantled and transported before use 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) An automatic catchweighing instrument that has not been dismantled, or one where an inspector is satisfied that any dismantling and re-assembly or transportation to its intended place of use could not, in his opinion, affect the accuracy or functioning of the automatic catchweighing instrument, may be tested, with a view to passing that instrument as fit for use for trade, at a place other than the intended place of use, for the purposes of initial verification testing.

### **Automatic catchweighing instruments imported from another EEA State**

9.—(1) In relation to an automatic catchweighing instrument imported into Great Britain from another EEA State, subject to paragraph (3), an inspector shall not carry out any test relating to initial verification testing if, together with the automatic catchweighing instrument being imported, he is presented with the requisite documentation.

(2) In this regulation and regulation 10(2)—

(a) “requisite documentation” means—

(i) the test report of an approved body that the automatic catchweighing 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 R51 or on an equivalent basis, and stating which tests have been applied to it; and

(ii) the test results relating to those tests;

(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; and

(c) 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 automatic catchweighing instruments or is a laboratory which has been accredited for the purposes of testing automatic catchweighing 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<sup>(5)</sup>.

(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 automatic catchweighing instrument being imported; or

(c) subject to regulation 8(4), that the automatic catchweighing instrument has not been dismantled after the tests to which the test report relates were carried out.

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(5) BS EN ISO/IEC 17025:2000 is the international standard “General requirements for the competence of testing and calibration laboratories” (ISBN 0 580 34929 2).

## PART III

### TESTING AND STAMPING

#### **Passing as fit for use for trade**

**10.**—(1) An inspector shall not pass as fit for use for trade an automatic catchweighing instrument unless—

- (a) it complies with all the appropriate requirements of these Regulations; and
- (b) 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 an automatic catchweighing instrument imported from another EEA State unless—

- (a) where the requisite documentation is presented in accordance with regulation 9, 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 R51 or on an equivalent basis, that automatic catchweighing instrument fell within limits of error which afford in use an equivalent standard to the prescribed limits of error; and
- (b) it otherwise complies with all the relevant requirements of these Regulations.

(3) For the purposes of these Regulations, the prescribed limits of error relating to an automatic catchweighing instrument shall be determined in accordance with the provisions of Schedule 5.

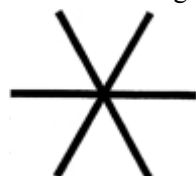
#### **Stamping**

**11.**—(1) The stamp shall be placed on the verification mark support referred to in clause 3.9.2 of OIML R51 which is set out in Schedule 4.

(2) An inspector shall not stamp an automatic catchweighing 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.

#### **Obliteration of stamps (method)**

**12.** 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—



#### **Obliteration of stamps (failure to comply)**

**13.**—(1) Subject to paragraph (2), an inspector shall obliterate the stamp on any automatic catchweighing instrument which—

- (a) on testing in accordance with clause 5.3 of Part 1 of OIML R51 fails to fall within the prescribed limits of error for in-service testing; or
- (b) fails to comply with any other appropriate requirement of these Regulations.

(2) Except as provided by regulation 14, where any automatic catchweighing 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 automatic catchweighing 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.

#### **Obliteration of stamps on instruments which are unfit for use for trade**

**14.—**(1) An inspector shall obliterate the stamp on any automatic catchweighing 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 10.

(2) Subject to paragraph (3), an inspector shall obliterate the stamp on any automatic catchweighing instrument which has, since it was last stamped, been the subject of any of the following occurrences, that is to say, adjustment, alteration, addition, repair or replacement which could, in the opinion of the inspector, have affected its accuracy or function.

(3) Where an automatic catchweighing instrument has been subjected to one or other of the occurrences in paragraph (2) and the chief inspector of weights and measures for the area in which the instrument is situated has been furnished in writing with details of the occurrence, an inspector may obliterate the stamp.

#### **Power to obliterate stamps on instruments which are unfit for use for trade for a particular purpose**

- 15.** An inspector may obliterate the stamp on any automatic catchweighing instrument if—
- (a) it is in use for trade for a particular purpose and—
    - (i) is used in such a way as not to meet the requirements of regulation 5; or
    - (ii) in the opinion of the inspector, is otherwise unsuitable for use for that purpose; or
  - (b) it is in use for trade in circumstances where the instrument is subject to any extraordinary environmental or operating conditions which, in the opinion of the inspector—
    - (i) prevent the instrument operating consistently and correctly; or
    - (ii) are likely prematurely to degrade the metrological characteristics of the instrument.

#### **Obliteration of all stamps**

**16.—**(1) Subject to paragraph (2), for the purposes of these Regulations, the obliteration of any one stamp on any automatic catchweighing instrument shall be deemed to be the obliteration of all other stamps on that instrument.

(2) As an exception for the purposes of section 11(2)(b) of the Act (express provision authorising the use for trade or possession for such use of equipment where the stamp remains undefaced), in the application of paragraph (1) to an automatic catchweighing instrument which is also capable of functioning as a non-automatic weighing instrument to which the Regulations specified in regulation 3(2) apply, the obliteration of any stamp shall not be taken to preclude the use for trade or possession for such use of the instrument in its measurement function as such a non-automatic weighing instrument, unless the instrument bears a disqualification sticker as provided for in regulation 23 or 24 of the Non-automatic Weighing Instruments Regulations 2000.

## PART IV

### GENERAL

#### Amendment

**17.**—(1) In regulation 3 (application) of the Weighing Equipment (Non-automatic Weighing Machines) Regulations 2000—

- (a) the following sub-paragraph is inserted after sub-paragraph (i) of paragraph (2)—
  - “(j) subject to paragraph (6) below, automatic catchweight weighing machines of accuracy classification Class III or Class IIII;”;
- (b) the following paragraph is added at the end—

“(6) Notwithstanding paragraph (2)(j), these Regulations shall apply to automatic catchweight weighing machines of accuracy classification Class III or Class IIII which, within a period of 10 years from the date on which the Weighing Equipment (Automatic Catchweighing Instruments) Regulations 2003(6) came into force, are first passed as fit for use for trade for the purposes of these Regulations.”.

(2) The Weights and Measures Regulations 1963(7) are hereby amended in regulation 1(2) by the insertion after sub-paragraph (l) of the following sub-paragraph—

- “(m) automatic catchweighing instruments to which the Weighing Equipment (Automatic Catchweighing Instruments) Regulations 2003(8) apply.”.

2nd November 2003

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Department of Trade and Industry

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(6) S.I. [2003/2761](#).

(7) S.I. [1963/1710](#) to which there are amendments not relevant to these Regulations.

(8) S.I. [2003/2761](#).