
STATUTORY INSTRUMENTS

2006 No. 1259

The Measuring Instruments (Beltweighers) Regulations 2006

PART I

PRELIMINARY

Citation and commencement

1.—(1) These Regulations may be cited as the Measuring Instruments (Beltweighers) Regulations 2006.

(2) This regulation, regulations 2, 7, 9 and 10 and Part 1 of Schedule 2 shall come into force on 30th May 2006.

(3) The remaining regulations shall come into force on 30th October 2006.

Interpretation

2.—(1) In these Regulations—

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

“accuracy class” means the classification of a beltweigher as set out in paragraph 16 of Schedule 1;

“authorised representative” means a person who is established in a member State and is authorised by a manufacturer, in writing, to act on his behalf;

“automatic weighing instrument” means an instrument that determines the mass of a product without the intervention of an operator and follows a predetermined programme of automatic processes characteristic of the instrument intended to determine the mass of a body by using the action of gravity on that body;

“beltweigher” means an automatic weighing instrument that continuously determines the mass of a bulk product on a conveyor belt without systematic subdivision of the product and without interrupting the movement of the conveyor belt;

“CE marking” means the CE marking referred to in regulation 12;

“the Commission” means the European Commission;

“compliance notice” means a notice served in accordance with regulation 19(2);

“conformity assessment procedure” means any procedure referred to in regulation 6;

“the Directive” means Directive [2004/22/EC](#) of the European Parliament and of the Council of 31st March 2004 on measuring instruments⁽¹⁾;

“disqualification sticker” means a sticker the design of which is published by the Secretary of State and which is affixed to a beltweigher in accordance with regulation 22;

(1) OJNo. L135, 30.4.04, p.1.

“enforcement authority” means any person who is, pursuant to regulation 18, authorised to enforce these Regulations;

“enforcement notice” means a notice served in accordance with regulation 20(2);

“enforcement officer” means—

- (a) an inspector; or
- (b) a person appointed by the Secretary of State to act on his behalf to enforce Part II of these Regulations;

“essential requirements” means the requirements set out in Schedule 1;

“harmonised standard” means a technical specification adopted by the European Committee for Standardisation (CEN), the European Committee for Electrotechnical Standardisation (CENELEC) or the European Telecommunications Standards Institute (ETSI) or jointly by two or all of these organisations, at the request of the Commission pursuant to Directive 98/34/EC of the European Parliament and of the Council of 22nd June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society Services⁽²⁾, as amended by Directive 98/48/EC⁽³⁾, and prepared in accordance with the General Guidelines agreed between the Commission and one or more of CEN, CENELEC and ETSI;

“instrument” has the same meaning as beltweigher;

“in writing” includes text that is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference;

“M marking” means the M marking referred to in regulation 12;

“manufacturer” means a person responsible for the conformity of a beltweigher with these Regulations with a view to either placing it on the market under his own name or putting it into use for his own purposes, or both;

“maximum capacity” means the maximum instantaneous net load that the weighing unit is intended to weigh on the portion of the conveyor belt representing the weigh length;

“maximum permissible error” means, in the case of a beltweigher—

- (a) when it is placed on the market or put into use, the limit of error in accordance with paragraph 18 of Schedule 1; and
- (b) when it is in use for trade, the limit of error in accordance with Schedule 5;

“normative document” means a document containing technical specifications adopted by the Organisation Internationale de Métrologie Légale, subject to the procedure stipulated in Article 16.1, the reference of which is published by the Commission in the Official Journal of the European Union pursuant to Article 16.1(b);

“notified body” means—

- (a) the Secretary of State; or
- (b) a United Kingdom notified body; and
- (c) for the purposes of regulation 4(1)(c), 20(1)(b), 22(1)(c) and 25(6), a person designated by another member State,

who has been notified to the Commission and the other member States pursuant to Article 11.1;

⁽²⁾ OJ No. L204, 21.7.98, p.37.

⁽³⁾ OJ No. L217, 5.8.98; p.18.

“notified body criteria” means the criteria set out in Part 1 of Schedule 2;

“place on the market” means making available for the first time in a member State an instrument intended for an end user, whether for reward or free of charge;

“put into use” means the first use of an instrument intended for the end user for the purposes for which it was intended;

“relevant national standard” means a standard applicable to a beltweigher—

- (a) implementing a harmonised standard that has been published in the Official Journal of the European Union C series; and
- (b) the reference of which is published—
 - (i) in the United Kingdom by the Secretary of State; or
 - (ii) in another member State by the competent authority pursuant to the third sub-paragraph of Article 13.1;

“relevant normative document” means a normative document applicable to a beltweigher, the reference of which is published—

- (a) in the United Kingdom by the Secretary of State; or
- (b) in another member State by the competent authority pursuant to the third sub-paragraph of Article 13.2;

“re-qualification sticker” means a sticker the design of which is published by the Secretary of State and which is affixed to a beltweigher in accordance with regulation 23;

“United Kingdom notified body” means a person designated under regulation 7; and

“weighing unit” means the part of a beltweigher providing information on the mass of the load to be measured.

(2) Other expressions used in these Regulations have the same meanings as in the 1985 Act.

(3) In these Regulations, a reference to a member State includes Norway, Iceland and Liechtenstein⁽⁴⁾.

(4) References in these Regulations to an Article, Annex or a part of an Annex are references to an Article, Annex, or a part of an Annex, to the Directive.

Application

3.—(1) Subject to paragraphs (2), (3) and (4), these Regulations apply to a beltweigher which is—

- (a) for use for trade; and
- (b) first placed on the market or put into use on or after 30th October 2006.

(2) These Regulations do not apply to a beltweigher—

- (a) in respect of which a certificate of approval has been granted before 30th October 2006 and is in force; and
- (b) which is first passed as fit for use for trade and stamped under the Weighing Equipment (Beltweighers) Regulations 1983⁽⁵⁾ or the Weighing Equipment (Beltweighers) Regulations 2001⁽⁶⁾.

(3) These Regulations do not apply to a beltweigher—

(4) The application of the Directive was extended to the European Economic Area by Decision No. 31/2005 (OJ No. L198, 28.7.05, p.20).

(5) S.I.1983/914.

(6) S.I. 2001/1208.

- (a) in respect of a pattern of which EEC pattern approval was granted before 30th October 2006 and is in force; and
 - (b) which bears a mark of EEC initial verification or of EEC partial verification.
- (4) These Regulations do not apply to a beltweigher which is not compliant with the essential requirements and which is displayed or presented at a trade fair, exhibition or demonstration, if a sign displayed visibly on or near the instrument clearly indicates that the instrument—
- (a) is not compliant with those requirements; and
 - (b) cannot be acquired or used until it is made compliant with those requirements by the manufacturer.
- (5) For the purposes of paragraph (3)—
- (a) a grant of EEC pattern approval or the affixing of a mark of EEC initial verification shall be in accordance with the Measuring Instruments (EEC Requirements) Regulations 1988 (7) (the “1988 Regulations”) or, in the case of any other member State, in accordance with the measures in force which implement Council Directive [75/410/EEC\(8\)](#); and
 - (b) the affixing of a mark of EEC partial verification shall be in accordance with the 1988 Regulations or, in the case of any other member State, in accordance with the measures in force which implement Council Directive [71/316/EEC\(9\)](#), as amended by Council Directives [72/427/EEC\(10\)](#), [83/575/EEC\(11\)](#), [87/354/EEC\(12\)](#), [87/355/EEC\(13\)](#) and [88/665/EEC\(14\)](#).

(7) S.I. [1988/186](#), as amended by S.I. [1988/296](#) and S.I. [1988/1128](#).

(8) OJ No. L183, 14.7.75, p.25. repealed by the Directive.

(9) OJ No. L202, 6.9.71, p.1, OJ/SE 1971 (II), p.707.

(10) OJ No. L291, 28.12.72, p.156, OJ/SE 1972, 28-30 Dec., p.71.

(11) OJ No.L332, 28.11.83, p.43.

(12) OJ No. L192, 11.7.87, p.43.

(13) OJ No. L192, 11.7.87, p.46.

(14) OJ No. L 382, 31.12.88, p.42