SCHEDULE 1 Regulations 2(1) and 39(1)

ESSENTIAL REQUIREMENTS AND APPLICABLE CONFORMITY ASSESSMENT PROCEDURES

Introductory

1. The essential requirements and conformity assessment procedure applicable to measuring instruments are as set out in this Schedule.

Water Meters

2.—(1) The essential requirements relating to water meters intended for the measurement of volumes of clean, cold or heated water in residential, commercial and light industrial use are—

(a) the requirements set out in Annex I to the Directive; and

(b) the specific requirements of Annex III to the Directive subject to the modification specified in sub-paragraph (2).

(2) The modification referred to in sub-paragraph (1)(b) is that point 10 of the specific requirements in Annex III is to be read as follows—

"**Putting into use**

10. The requirements under points 1, 2 and 3 are determined by the utility or the person legally designated for installing the meter, so that the meter is appropriate for the accurate measurement of consumption that is foreseen or foreseeable."

(3) The conformity assessment procedures specified in the modules in Annex II to the Directive applicable to water meters of the kind referred to in sub-paragraph (1) are—

(a) B and F;

(b) B and D; or

(c) H1.

Gas meters

3.—(1) The essential requirements relating to gas meters intended for residential, commercial and light industrial use are—

(a) the requirements of Annex I to the Directive; and

(b) the specific requirements set out in Part I of Annex IV to the Directive subject to the modification in sub-paragraph (2).

(2) The modification referred to in sub-paragraph (1)(b) is that point 10 of the specific requirements in Annex IV is to be read as follows—

"**Putting into use**

(a) The measurement of residential use must be performed by means of any Class 1.5 gas meter, or by Class 1.0 gas meters which have a Q_{max}/Q_{min} ratio equal to or greater than 150.

(b) Measurement of commercial or light industrial use must be performed by any Class 1.0 or Class 1.5 gas meter.

(c) The person responsible for installing a gas meter must have regard to the requirements under Points 1.2 and 1.3 of Part I of Annex IV and must ensure that

the gas meter is appropriate for the accurate measurement of consumption that is foreseen or foreseeable."

(3) The conformity assessment procedures specified in the modules in Annex II to the Directive applicable to gas meters are—

(a) B and F;

(b) B and D; or

(c) H1.

Volume conversion devices

4.—(1) In this paragraph "conversion device" means a device fitted to a gas meter that automatically converts the quantity measured at metering conditions into a quantity at the specified conditions to which the quantity of fluid is converted.

(2) The essential requirements relating to conversion devices intended for residential, commercial and light industrial use are—

(a) the requirements of Annex I to the Directive;

(b) the specific requirements set out in Part II of Annex IV.

(3) The conformity assessment procedures specified in the modules in Annex II to the Directive applicable to conversion devices are—

(a) B and F;

(b) B and D; or

(c) H1.

Active electrical energy meters

5.—(1) The essential requirements in relation to active electrical energy meters intended for residential, commercial and light industrial use are—

(a) the requirements of Annex I of the Directive; and

(b) the specific requirements in Annex V subject to the modification in sub-paragraph (2).

(2) The modification referred to in sub-paragraph (1)(b) is that point 7 of the specific requirements in Annex V is to be read as follows—

"**Putting into use**

(a) Subject to sub-paragraph (2), measurement may be performed by means of any active electrical energy meter provided that the temperature range to which an active electrical energy meter is exposed is not wider that the range specified by the manufacturer in relation to that active electrical energy meter in accordance with Point 1.3.1 and Table 1 in Annex 1 to the Directive.

(b) Class A active electrical energy meters may not be used when operating outside the temperature range of an upper temperature limit of 30°C to a lower temperature limit of 5 °C.

(c) The person responsible for installing the active electrical energy meter must determine the correct current range and assess the climatic environment."

(3) The conformity assessment procedures specified in the modules in Annex II to the Directive applicable to active electrical meters are—

(a) B and F;

(b) B and D; or

(c) H1.

Thermal Energy Meters

6.—(1) The essential requirements in relation to thermal energy meters are—

(a) the requirements of Annex I of the Directive; and

(b) the requirements of Annex VI.

(2) The conformity assessment procedures specified in the modules in Annex II to the Directive applicable to thermal energy meters are—

(a) B and F;

(b) B and D; or

(c) H1.

Non-water liquid measuring systems

7.—(1) The essential requirements in relation to non-water liquid measuring systems are——

(a) the requirements of Annex I of the Directive; and

(b) the requirements of Annex VII.

(2) The conformity assessment procedures specified in the modules in Annex II to the Directive applicable to non-water liquid measuring systems are—

(a) B and F;

(b) B and D;

(c) H1; or

(d) G.

Automatic weighing instruments

8.—(1) The essential requirements in relation to automatic weighing instruments are—

(a) in relation to automatic catchweighers—

(i) the requirements of Annex I of the Directive; and

(ii) the specific requirements in Chapter I and II of Annex VIII;

(b) in relation to automatic gravimetric filling instruments—

(i) the requirements of Annex I of the Directive; and

(ii) the specific requirements in Chapter I and Chapter III of Annex VIII;

(c) in relation to discontinuous totalisers—

(i) the requirements of Annex I of the Directive; and

(ii) the specific requirements in Chapter I and Chapter IV of Annex VIII;

(d) The essential requirements in relation to beltweighers are—

(i) the requirements of Annex I of the Directive; and

(ii) the specific requirements in Chapters I and V of Annex VIII; and

(e) The essential requirements in relation to automatic rail weighbridges are—

(i) the requirements of Annex I of the Directive; and

(ii) the specific requirements in Chapters I and VI in Annex VIII.

(2) The conformity assessment procedures specified in the modules in Annex II to the Directive applicable to automatic weighing instruments are—

(a) for mechanical systems—

(i) B and D;

(ii) B and E;

(iii) B and F;

(iv) D1;

(v) F1;

(vi) G; or

(vii) H1;

(b) for electromechanical instruments—

(i) B and D;

(ii) B and E;

(iii) B and F;

(iv) G; or

(v) H1; and

(c) for electronic systems or systems containing software—

(i) B and D;

(ii) B and F;

(iii) G; or

(iv) H1.

Taximeters

9.—(1) The essential requirements in relation to taximeters are—

(a) the requirements of Annex 1 of the Directive; and

(b) the specific requirements in Annex IX.

(2) The conformity assessment procedures specified in the modules in Annex II to the Directive applicable to taximeters are—

(a) B and F;

(b) B and D; or

(c) H1.

Material measures of length

10.—(1) The essential requirements in relation to material measures of length are—

(a) the requirements of Annex I of the Directive; and

(b) the specific requirements in Chapter I of Annex X.

(2) The conformity assessment procedures specified in the modules in Annex II to the Directive applicable to material measures of length are—

(a) F1;

(b) D1;

(c) B and D;

(d) G; or

(e) H.

Capacity serving measures

11.—(1) The essential requirements in relation to capacity serving measures are—

(a) the requirements of Annex I of the Directive; and

(b) the specific requirements in Chapter II of Annex X.

(2) The conformity assessment procedures specified in the modules in Annex II to the Directive applicable to capacity serving measures are—

(a) A2;

(b) D1;

(c) E1;

(d) F1;

(e) B and D;

(f) B and E; or

(g) H.

Dimensional measuring instruments

12.—(1) The essential requirements in relation to dimensional measuring instruments are—

(a) the requirements of Annex I of the Directive; and

(b) the specific requirements in Annex XI.

(2) The conformity assessment procedures specified in the modules in Annex II to the Directive applicable to dimensional measuring instruments are—

(a) for mechanical or electromechanical instruments—

(i) D1;

(ii) E1;

(iii) F1;

(iv) H;

(v) H1;

(vi) G;

(vii) B and D;

(viii) B and E;

(ix) B and F;

(b) for electronic instruments or instruments containing software—

(i) B and D;

(ii) B and F;

(iii) G; or

(iv) H1.

Exhaust gas analysers

13.—(1) The essential requirements in relation to exhaust gas analysers are—

(a) the requirements of Annex I of the Directive; and

(b) the specific requirements in Annex XII.

(2) The conformity assessment procedures specified in the modules in Annex II to the Directive applicable to exhaust gas analysers are—

(a) B and D;

(b) B and F; or

(c) H1.

SCHEDULE 2

Regulation 3(4)

MEASURING INSTRUMENT WHICH MAY CONTINUE TO BE PUT INTO USE

Cold water meters

1. A cold-water meter—

(a) in respect of which a certificate of approval was granted before 30th October 2006; and

(b) which was first passed as fit for trade and stamped before 30th October 2016 under the Measuring Equipment (Cold-water Meter Regulations) 1988(**1**).

2. A cold-water meter—

(a) in respect of a pattern of which EEC pattern approval was granted before 30th October 2006 in accordance with the Measuring Instruments (EEC Requirements) Regulations 1988 (or in accordance with the measures in force in another EEA state which implement Council Directive 75/33/EEC(**2**)); and

(b) which bears a mark of EEC initial verification or of EEC partial verification, in either case, affixed before 30th October 2016 in accordance with the Measuring Instruments (EEC Requirements) Regulations 1988 (or in accordance with the measures in force in another EEA state which implement Council Directive 71/316/EEC(**3**) as amended by Council Directives 72/427/EEC(**4**), 83/575/EEC(**5**), 87/354/EEC(**6**)87/355/EEC(**7**) and 88/665/EEC(**8**).

Gas meters

3. A gas meter for use for trade which was—

(a) stamped under section 17 of the Gas Act 1986(**9**) and placed on the market before 30th October 2016; or

(b) stamped under article 22 of the Gas (Northern Ireland) Order 1996(**10**) and placed on the market before 30th October 2016;

4. A gas meter for use for trade—

(**1**) S.I. 1988/97 as amended by S.I. 2001/1229 and S.I. 2003/214.
(**2**) OJNo. L14, 20.1.75, p.1. Directive 75/33/EEC was repealed by Directive 2004/22/EC (OJ No. L135, 30.04.04, p.1).
(**3**) OJ No. L202, 6.9.71, p.1, OJ/SE 1971(II), p.707.
(**4**) OJ No. L291, 28.12.72, p.156, OJ/SE 1972, 28-30 Dec., p.71.
(**5**) OJ No. L332, 28.11.83, p.43.
(**6**) OJ No. L192, 11.7.87, p.43.
(**7**) OJ No. L192, 11.7.87, p.46.
(**8**) OJ No. L382, 31.12.88, p.42.
(**9**) 1986 c.44.
(**10**) S.I. 1996/275 (N.I. 2).

(a) in respect of which an EEC pattern approval was granted before 30th October 2006—

(i) under the Measuring Instruments (EEC Requirements) Regulations 1988(**11**), as applied to gas meters by the Measuring Instruments (EEC Requirements) (Gas Volume Meters) Regulations 1988(**12**); or

(ii) by any other EEA state in accordance with the relevant provisions of measures in force which implement Council Directive 71/318(**13**),

and

(b) which bears a mark of EEC initial verification affixed before 30th October 2016 under those Regulations (as so applied) or by any other EEA state in accordance with those provisions.

Active electrical energy meters

5. An active electrical energy meter for use for trade which was—

(a) of a pattern or construction approved before 30th October 2006 by or under regulations made under paragraph 2 of Schedule 7 to the Electricity Act 1989(**14**), where such approval has not been revoked under regulations so made; and

(b) before 30th October 2016,—

(i) certified under paragraph 5 of that Schedule or excepted from the requirement for certification under paragraph 2(2) of that Schedule; and

(ii) placed on the market.

6. An active electrical energy meter for use for trade which was—

(a) of a pattern or construction approved before 30th October 2006 by or under regulations made under paragraph 3 of Schedule 7 to the Electricity (Northern Ireland) Order 1992(**15**) where such approval has not been revoked under regulations so made; and

(b) before 30th October 2016—

(i) certified under paragraph 6 of that Schedule or excepted from the requirement for certification under paragraph 3(2) of that Schedule; and

(ii) placed on the market.

7. An active electricity meter for use for trade—

(a) in respect of which an EEC pattern approval was granted before 30th October 2006—

(i) under the Measuring Instruments (EC Requirements) (Electrical Energy Meters) Regulations 1995(**16**); or

(ii) any other EEA state in accordance with the relevant provisions of measures in force which implement Council Directive 76/891(**17**); and

(b) which bears a mark of EEC initial verification affixed before 30th October 2016 under those Regulations or by any other EEA state in accordance with those provisions.

(**11**) S.I. 1988/186
(**12**) S.I. 1988/296, as amended by S.I. 1996/319.
(**13**) Directive 71/318 on the approximation of the laws of member States relating to gas meters.
(**14**) 1989 c.29.
(**15**) S.I. 1992 No 231 (N.I. 1).
(**16**) S.I. 1995/2607.
(**17**) Directive 76/891 on the approximation of the laws of member States relating to electrical energy meters.

Automatic Weighing instruments

8. An Automatic gravimetric filing instrument—

(a) in respect of which a certificate of approval was granted before 30th October 2006; and

(b) which before 30th October 2016 was first passed as fit for use for trade and stamped under—

(i) the Weights and Measures Regulations 1963(**18**);

(ii) the Weighing Equipment (Filing and Discontinuous Totalising Automatic Weighing Machines) Regulations 1986(**19**); or

(iii) the Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations 2000(**20**).

Measuring systems for the measurement of liquid fuel and lubricants

9. A measuring system for use for trade in the making of a continuous and dynamic measurement of liquid fuel lubricants or a mixture of liquid fuels and lubricants in a quantity not exceeding 100 litres or 100 kilograms—

(a) in respect of which a certificate of approval was granted before 30th October 2006; and

(b) which was before 30th October 2016 first passed as fit for use for trade and stamped under the Measuring Equipment (Liquid Fuel and Lubricants) Regulations 1995(**21**).

10.—(1) A measuring system for use for trade in the making of a continuous and dynamic measurement of liquid fuel, lubricants or a mixture of liquid fuels and lubricants in a quantity not exceeding 100 litres or 100 kilograms—

(a) in respect of which an EEC pattern approval was granted before 30th October 2006; and

(b) which bears a mark of EU initial verification or EU partial verification affixed before 30th October 2016.

(2) For the purposes of paragraph (1)—

(a) a grant of EEC pattern approval or the affixing of a mark of EEC initial verification must have been in accordance with the Measuring Instruments (EEC Requirements) Regulations 1988(**22**) or, in the case of any other EEA state, in accordance with the measures in force which implemented—

(i) Council Directive 71/319 EEC(**23**);

(ii) Council Directive 71/348/EEC(**24**) as amended by the Treaty of Accession 1994(**25**); and

(iii) Council Directive 77/313/EEC(**26**) as amended by Commission Directive 82/625/EEC(**27**); and

(**18**) S.I. 1963/1710, as amended by S.I. 1970/1370, S.I. 1972/767, S.I. 1974/1326, S.I. 1977/1932, S.I. 1978/484, S.I. 1979/1612, S.I. 1980/1070, S.I. 1980/1079, S.I. 1983/914, S.I. 1984/1446, S.I. 1985/1532, S.I. 1986/1320, S.I. 1986/1682, S.I. 1988/120, S.I. 1988/876, S.I. 1994/1249, S.I. 1995/735, S.I. 2000/388, S.I. 2001/599, S.I. 2001/1208, S.I. 2003/2454 and S.I. 2003/2761.
(**19**) S.I. 1986/1320, as amended by S.I. 1994/1851, S.I. 1996/797, S.I. 2000/387, S.I. 2001/85 and S.I. 2003/2014.
(**20**) S.I. 2000/388 as amended by S.I. 2003/214 and S.I. 2006/659.
(**21**) S.I. 1995/1014, as amended by S.I. 1998/2218, S.I. 2001/85, S.I. 2003/214 and S.I. 2003/2110.
(**22**) S.I. 1988/186, as amended by S.I. 1988/296 and S.I. 1988/1128.
(**23**) OJ No. L202, 6.9.71, p.32, repealed by Directive 2004/22/EC (OJ No. L13, 30.4.04, p.1.
(**24**) OJ No. L239, 25.10.71, p.9 repealed by Directive 2004/22/EC (OJ No. L13, 30.4.04, p.1.
(**25**) The Treaty concerning the accession of Norway, Austria, Finland and Sweden, signed 24.06.94.
(**26**) OJ No. L105, 28.4.77, p. 18, repealed by Directive 2004/22/EC (OJ No. L13, 30.4.04, p.1.
(**27**) OJ No. L252, 27.8.82, p.10 repealed by Directive 2004/22/EC (OJ No. L13, 30.4.04, p.1.

(b) the affixing of a mark of EEC partial verification must have been in accordance with the 1988 Regulations, or in the case of any other EEA state in accordance with the measures in force which implemented Council Directive 71316/EEC(**28**) as amended by Council Directives 72/427/EEC(**29**), 83/575/EEC(**30**), 87/354/EEC(**31**), 87/355/EEC(**32**) and 88/665/EEC(**33**).

Measuring systems used for deliveries from road tankers

11. A measuring system for use for trade in the making of a continuous and dynamic measurement of liquid fuel in a quantity exceeding 100 litres or 100 kilograms, delivered from a road tanker—

(a) in respect of which a certificate of approval was granted before 30th October 2006; and

(b) which was first passed as fit before 30th October 2016 for use for trade and stamped under the Measuring Equipment (Liquid Fuel delivered from Road Tankers) Regulations 1983(**34**).

12.—(1) A measuring system for use for trade in the making of a continuous and dynamic measurement of liquid fuel in a quantity exceeding 100 litres or 100 kilograms, delivered from a road tanker—

(a) in respect of a which an EEC pattern approval was granted before 30th October 2006; and

(b) which bears a mark of EU initial verification or EU partial verification affixed before 30th October 2016.

(2) For the purposes of paragraph (1)—

(a) a grant of EEC pattern approval or the affixing of a mark of EEC initial verification must have been in accordance with the Measuring Instruments (EEC Requirements) Regulations 1988(**35**) or, in the case of any other EEA state, in accordance with the measures in force which implemented—

(i) Council Directive 71/319 EEC(**36**);

(ii) Council Directive 71/348/EEC(**37**) as amended by the Treaty of Accession 1994(**38**); and

(iii) Council Directive 77/313/EEC(**39**) as amended by Commission Directive 82/625/EEC(**40**); and

(b) the affixing of a mark of EEC partial verification must have been in accordance with the 1988 Regulations, or in the case of any other EEA state in accordance with the measures in force which implemented Council Directive 71316/EEC(**41**) as amended by Council Directives 72/427/EEC(**42**), 83/575/EEC(**43**), 87/354/EEC(**44**), 87/355/EEC(**45**) and 88/665/EEC(**46**).

(**28**) OJ No. L202, 6.9.71, p.1, OJ/SE 1971 (II), p 707.
(**29**) OJ No. L291, 28.12.72, p.156, OJ/SE 1972, 28-30 Dec., p.71.
(**30**) OJ No. L332, 28.11.83, p.43.
(**31**) OJ No. L192. 11.7.87, p.43.
(**32**) OJ No. L192, 11.7.87, p.46.
(**33**) OJ No. L382, 31.12.88, p.42.
(**34**) S.I. 1983/1390, as amended by S.I. 1986/1210, S.I. 1994/1851, S.I. 1995/3117, S.I. 2001/85 and S.I. 2003/214.
(**35**) S.I. 1988/186, as amended by S.I. 1988/296 and S.I. 1988/1128.
(**36**) OJ No. L202, 6.9.71, p.32, repealed by Directive 2004/22/EC (OJ No. L13, 30.4.04, p.1.
(**37**) OJ No. L239, 25.10.71, p.9 repealed by Directive 2004/22/EC (OJ No. L13, 30.4.04, p.1.
(**38**) The Treaty concerning the accession of Norway, Austria, Finland and Sweden, signed 24.06.94.
(**39**) OJ No. L105, 28.4.77, p. 18, repealed by Directive 2004/22/EC (OJ No. L13, 30.4.04, p.1.
(**40**) OJ No. L252, 27.8.82, p.10 repealed by Directive 2004/22/EC (OJ No. L13, 30.4.04, p.1.
(**41**) OJ No. L202, 6.9.71, p1, OJ/SE 1971 (II), p 707.
(**42**) OJ No. L291, 28.12.72, p.156, OJ/SE 1972, 28-30 Dec., p.71.
(**43**) OJ No. L332, 28.11.83, p.43.
(**44**) OJ No. L192. 11.7.87, p.43.

Taximeters

13. A Taximeter—

(a) in respect of which a certificate of approval was granted before 30th October 2006; and

(b) which was passed as fit for use before 30th October 2016 for the protection of consumers and marked under the Metropolitan Conditions of Fitness(**47**).

Material measures of length

14. A material measure of length—

(a) which was first passed as fit for use for trade and stamped before 30th October 2006 under the Measuring Equipment (Measures of Length) Regulations 1986(**48**); and

(b) which was placed on the market before 30th October 2016.

15.—(1) A material measure of length—

(a) in respect of which an EEC pattern approval was granted under the Measuring Instruments (EEC Requirements) Regulations 1988(**49**)

(b) which bears a mark of EEC initial verification or of EEC partial verification, which was affixed before 30th October 2016.

(2) For the purposes of paragraph (1)—

(a) a grant of EEC pattern approval, or the affixing of a mark of EEC initial verification must have been in accordance with the relevant provisions of the Measuring Instruments (EEC Requirements) Regulations 1988 or, in the case of any other member State, in accordance with the relevant provisions of measures in force which implemented Council Directive 73/362/EEC(**50**) as amended by Council Directive 78/629/EEC(**51**) and Commission Directive 85/146/EEC(**52**); and

(b) the affixing of a mark of EEC partial verification must have been in accordance with the Measuring Instruments (EEC Requirements) Regulations 1988, or in the case of any other member State, in accordance with the measures in force which implemented Council Directive 71/316/EEC(**53**) as amended by Council Directives 72/427/EEC(**54**), 83/575/EEC(**55**), 87/354/EEC(**56**), 87/355/EEC(**57**) and 88/665/EEC(**58**).

(**45**) OJ No. L192, 11.7.87, p.46.
(**46**) OJ No. L382, 31.12.88, p.42.
(**47**) The Public Carriage Office issued the Construction and Licensing of Motor Taxicabs in London: Conditions of Fitness in 2000. (This document is usually referred to as "the Metropolitan Conditions of Fitness.) The Metropolitan Conditions of Fitness are made under the London Cab Order 1934 (S.I. 1934/1346), article 35. The relevant amending instruments are S.I. 1985/933, 1990/2003 and 2000/1666. S.I. 1934/1346 was made under the Metropolitan Public Carriage Act 1869 (c. 115), section 6. Article 35 of the London Cab Order requires the installation of an approved taximeter. The requirements that must be met by an approved taximeter are set out in the Notice to Owners and Manufacturers of Motor Cabs and Taximeters regarding Taximeters to be used on Taxicabs in the Metropolitan Police District and the City of London, which was issued by the Public Carriage Office in July 1997.
(**48**) S.I. 1986/1682 as amended by S.I. 1986/2139, S.I. 1994/1851, S.I. 1996/2636
(**49**) S.I. 1866/186 as amended by S.I. 1988/296 and S.I.1988/1128
(**50**) OJ No. L335, 5.12.73, p.56 (repealed by Directive 2004/22/EC (OJ No.L135, 30.4.04, p.1).
(**51**) OJNo.L209, 29.7.78, p.8.
(**52**) OJ no.L054, 23.2.85, p29.
(**53**) OJ No. L202, 6.09.71, p.1, OJ/SE 1972 1971 (II) p 707.
(**54**) OJ No. L291, 28.12.72, p156, OJ/SE 1972, 28-30 Dec.,p.71.
(**55**) OJ No. L 332 ,28.11.83, p.43.
(**56**) OJ No. L192, 11.7.87
(**57**) OJ No. L192, 11.7.87, p.46.
(**58**) OJ No L382, 31.12.88, p.42.

Exhaust gas analyser

16. An exhaust gas analyser

(a) in respect of which a certificate of approval was granted before 30th October 2006; and

(b) which was first passed as fit for use for the protection of the environment and public health pursuant to the requirements of OIML, R99/ISO 3930(**59**) before 30th October 2016.

SCHEDULE 3

Regulation 4

REVOCATIONS AND TRANSITIONAL AND CONSEQUENTIAL PROVISIONS

Instruments revoked

1. Subject to paragraph 2, the Regulations listed in the table in this paragraph are revoked.

Instrument title	*Reference*
The Measuring Instruments (Automatic Discontinuous Totalisers) Regulations 2006	S.I.2006/1255
The Measuring Instruments (Automatic Rail-weighbridges) Regulations 2006	S.I. 2006/1256
The Measuring Instruments (Automatic Catchweighers) Regulations 2006	S.I. 2006/1257
The Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006	S.I. 2006/1258
The Measuring Instruments (Beltweighers) Regulations 2006	S.I. 2006/1259
The Measuring Instruments (Capacity Serving Measures) Regulations 2006	S.I. 2006/1264
The Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006	S.I. 2006/1266
The Measuring Instruments (Material Measures of Length) Regulations 2006	S.I. 2006/1267
The Measuring Instruments (Cold Water Meters) Regulations 2006	S.I. 2006/1268
The Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations 2006	S.I. 2006/1269
The Measuring Instruments (Non-Prescribed Instruments) Regulations 2006	S.I. 2006/1270
The Measuring Instruments (Active Electrical Energy Meters) Regulations 2006	S.I. 2006/1679
The Measuring Instruments (Exhaust Gas Analysers) Regulations 2006	S.I. 2006/2164
The Measuring Instruments (Taximeters) Regulations 2006	S.I. 2006/2304
The Measuring Instruments (Amendment) Regulations 2006	S.I. 2006/2625
The Measuring Instruments (Gas Meters) Regulations 2006	S.I. 2006/2647
The Measuring Instruments (Amendment) Regulations 2010	S.I. 2010/2881

(**59**) OIML, the Organisation International de Métrologie Légal, is an intergovernmental body dedicated to the harmonisation of the national metrology regulations of its members. The OIML R99 standard edition 2000E, was developed by the OIML subcommittee TC16/SC 1, Air pollution.

Transitional provisions

2.—(1) In this paragraph, "the former law" means the Regulations referred to in paragraph 1.

(2) This sub-paragraph applies to a regulated measuring instrument placed on the market or put into use before the commencement date which was required by any provision of the former law to meet the essential requirements.

(3) A regulated measuring instrument to which sub-paragraph (2) applies which meets the requirements of the former law applicable to it is treated as meeting the requirements of these Regulations.

(4) Where a regulated measuring instrument to which sub-paragraph (2) applies does not meet the requirements of the former law, these Regulations apply to that instrument as they apply to a regulated measuring instrument placed on the market or put into use after the commencement date which does not comply with the requirements of these Regulations.

(5) Part 6 (Use for trade of regulated measuring instruments) applies to instruments to which sub-paragraph (2) applies as it applies to a regulated measuring instrument placed on the market or put into use after the commencement date.

(6) A certificate granted under any provision of the former law has effect as if granted under the corresponding provision of these Regulations.

(7) An application to be recognised as a notified body which is made before the commencement date is to be treated as having been made under these Regulations if it meets the requirements of these Regulations.

(8) Except in a case where paragraph (7) applies, a requirement of these Regulations ("the relevant requirement") is to be treated as having been satisfied by anything done on or after 20th April 2016 but before the commencement date where that thing—

(a) was done for the purposes of complying with a requirement of the Directive; and

(b) if it had been done on or after the commencement date it would have met the relevant requirement.

(9) Regulation 77 (offences by economic operators etc.) does not apply to the putting into use of—

(a) an instrument to which paragraph (2) applies; or

(b) an instrument of a kind which is listed in Schedule 2 (measuring instruments which may continue to be put into use.

Amendments to the Consumer Rights Act 2015

3.—(1) Schedule 5 to the Consumer Rights Act 2015 is amended as follows.

(2) After paragraph 3(1)(g), add—

"(ga) the Department for Infrastructure in Northern Ireland;

(gb) the Utility Regulator in Northern Ireland."

(3) Omit the following entries from the list in paragraph 10—

(a) "regulation 17 of the Measuring Instruments (Automatic Discontinuous Totalisers) Regulations 2006 (SI 2006/1255);";

(b) "regulation 18 of the Measuring Instruments (Automatic Rail-weighbridges) Regulations 2006 (SI 2006/1256);";

(c) "regulation 20 of the Measuring Instruments (Automatic Catchweighers) Regulations 2006 (SI 2006/1257);";

(d) "regulation 18 of the Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006 (SI 2006/1258);";

(e) "regulation 18 of the Measuring Instruments (Beltweighers) Regulations 2006 (SI 2006/1259);";

(f) "regulation 16 of the Measuring Instruments (Capacity Serving Measures) Regulations 2006 (SI 2006/1264);"

(g) "regulation 17 of the Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006 (SI 2006/1266);";

(h) "regulation 16 of the Measuring Instruments (Material Measures of Length) Regulations 2006 (SI 2006/1267);";

(i) "regulation 17 of the Measuring Instruments (Cold-water Meters) Regulations 2006 (SI 2006/1268);"; and

(j) "regulation 18 of the Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations 2006 (SI 2006/1269);".

(4) In the list in paragraph 10 at the appropriate place insert—

"regulations 70 of the Measuring Instruments Regulations 2016 (SI 2016/1153);".

Modifications to the application of the Gas Act 1986

4.—(1) Section 17 of the Gas Act 1986(**60**) (meter testing and stamping) has effect in its application to a meter which is a regulated measuring instrument under regulation 3(2)(b) subject to paragraphs (2) to (4) below.

(2) If the meter is put into use within the meaning of and in accordance with these Regulations (or, prior to commencement date, the Measuring Instruments (Gas Meters) Regulations 2006(**61**)), it is to be deemed for the purposes of section 17(1) and (11) to have been stamped.

(3) Subsections (2)(b) and (3) to (5) must be disregarded.

(4) Sub-paragraphs (2) and (3) do not apply if the error of measurement of the meter exceeds—

(a) in relation to a Class 1.5 gas meter within the meaning of Annex IV to the Directive, twice the maximum permissible error as set out in relation to that class, in Table 1 in paragraph 2.1 of Annex IV to the Directive;

(b) in relation to a Class 1.0 gas meter within the meaning of Annex IV to the Directive, the maximum permissible error as set out, in relation to that class, in Table 1 in paragraph 2.1 of Annex IV;

(5) The Gas (Meters) Regulations 1983(**62**) do not apply to a meter which is a regulated measuring instrument except for regulation 4 and (so far as is necessary for the interpretation of that regulation) regulation 2.

(6) In regulation 4 of those Regulations—

(a) references, however expressed, to a meter stamped under section 30 of the Gas Act 1972(**63**) (which provision is re-enacted in section 17 of the Gas Act 1986) shall be construed as references to a meter bearing the CE marking and M marking;

(b) references to a stamp shall be construed as including references to those markings; and

(c) references to the standard or standards prescribed by regulation 3 of those Regulations shall be construed as—

(**60**) 1986 c.44. Section 17 was substituted by paragraph 13 of Schedule 3 to the Gas Act 1995 (c.45).
(**61**) S.I. 2006/2647.
(**62**) S.I.1983/684.
(**63**) 1972 c.60.

(i) in relation to a class 1.5 gas meter within the meaning of Annex IV to the Directive, twice the maximum permissible error as set out, in relation to that class, in Table 1 in paragraph 2.1 of Annex IV;

(ii) in relation to a Class 1.0 gas meter within the meaning of Annex IV to the Directive, the maximum permissible error as set out, in relation to that class, in Table 1 in paragraph 2.1 of Annex IV.

Modifications to the application of the Gas (Northern Ireland) Order 1996

5.—(1) Article 22 of the Gas (Northern Ireland) Order 1996(**64**) (meter testing and stamping) has effect in its application to a meter which is a regulated measuring instrument subject to paragraphs (2) to (4) below.

(2) If the meter is put into use within the meaning of and in accordance with these Regulations (or prior to the commencement date, the Measuring Instruments (Gas Meters) Regulations 2006), it shall for the purposes of article 22(1) and (10), be deemed to have been stamped.

(3) Article 22(2) (insofar as it relates to the duty of a meter examiner to stamp, or authorise the stamping, of a meter) and (3) to (5) must be disregarded.

(4) Paragraphs (2) and (3) do not apply if the error of measurement of the meter exceeds—

(a) in relation to a Class 1.5 gas meter within the meaning of Annex IV to the Directive, twice the maximum permissible error as set out, in relation to that class, in Table 1 in paragraph 2.1 of Annex IV;

(b) in relation to a Class 1.0 relevant instrument within the meaning of Annex IV to the Directive, the maximum permissible error as set out, in relation to that class, in Table 1 in paragraph 2.1 of Annex IV.

Modifications to the application of the Electricity Act 1989

6.—(1) Schedule 7 to the Electricity Act 1989(**65**) (use etc. of electricity meters) has effect in its application to a meter which is a regulated measuring instrument under regulation 3(2)(c) subject to paragraphs (2) to (4) below.

(2) If the meter is put into use within the meaning of and in accordance with these Regulations (or, prior to the commencement date was put into use within the meaning of and in accordance with the Measuring Instruments (Active Electrical Energy Meters) Regulations 2006(**66**)), it shall, for the purpose of paragraphs 2(1)(a), 3(1)(a) and 9(3) of the Schedule, be deemed to be of an approved pattern or construction and installed in an approved manner; and the following rules apply—

(a) for the purposes of paragraphs 2(1)(b) and 3(1)(b) of the Schedule, the meter shall be deemed to be certified under paragraph 5;

(b) for the purpose of the application of paragraphs 7(1)(c) and (2) and 9(3) and (4) of the Schedule, "prescribed margins of error" shall mean the maximum permissible error as set out in paragraph 3 of Annex V to the Directive.

(3) Paragraphs 5(2)(a) and 7(1)(b) of Schedule 7 must be disregarded.

(4) Sub-paragraph (2)(a) above does not apply if the error of measurement of the meter exceeds the maximum permissible error as set out in paragraph 3 of Annex V to the Directive.

(5) If a meter which is a regulated measuring instrument is put into use within the meaning of and in accordance with these Regulations—

(**64**) S.I. 1996 No. 275 (N.I. 2).
(**65**) 1989 c.30
(**66**) S.I. 2006/1679.

(a) regulation 10 of the Meters (Certification) Regulations 1998(**67**); and

(b) regulation 3 of the Meters (Approval of Pattern or Construction and Manner of Installation) Regulations 1998(**68**),

do not apply to the meter.

Modifications to the application of the Electricity (Northern Ireland) Order 1992

7.—(1) Schedule 7 to the Electricity (Northern Ireland) Order 1992(**69**) (use etc. of electricity meters) has effect in its application to a meter which is a regulated measuring instrument subject to paragraphs (2) to (4) below.

(2) If the meter is put into use within the meaning of and in accordance with these Regulations (or, prior to the commencement date was put into use under the Measuring Instruments (Active Electrical Energy Meters) Regulations 2006), it shall, for the purpose of paragraphs 3(1)(a), 4(1)(a) and 10(3) of the Schedule, be deemed to be of an approved pattern or construction and installed in an approved manner; and the following rules shall apply—

(a) for the purposes of paragraphs 3(1)(b) and 4(1)(b), the meter shall be deemed to be certified under paragraph 6; and

(b) for the purpose of the application of paragraphs 8(1)(c) and (2) and 10(3) and (4), "prescribed margins of error" shall mean the maximum permissible error as set out in paragraph 3 of Annex V to the Directive.

(3) Paragraphs 6(2)(a) and 8(1)(b) of Schedule 7 must be disregarded.

(4) Paragraph (2)(a) above does not apply if the error of measurement of the meter exceeds the maximum permissible error as set out in paragraph 3 of Annex V to the Directive.

(5) If a meter which is a regulated measuring instrument is put into use within the meaning of and in accordance with these Regulations—

(a) regulation 10 of the Meters (Certification) Regulations (Northern Ireland) 1998(**70**); and

(b) regulation 3 of the Meters (Approval of Pattern or Construction and Manner of Installation) Regulations (Northern Ireland) 1998(**71**),

do not apply to the meter.

SCHEDULE 4

Regulation 39(2)

OPERATIONAL OBLIGATIONS OF NOTIFIED BODIES

1. Conformity assessment must be carried out in a proportionate manner, avoiding unnecessary burdens for economic operators.

2. Conformity assessment bodies must perform their activities taking due account of—

(a) the size of an undertaking;

(b) the sector in which it operates,

(c) its structure;

(d) the degree of complexity of the of the measuring instrument technology in question; and

(**67**) S.I. 1998/1566.
(**68**) S.I. 1998/1565.
(**69**) S.I 1992 No 231(N.I. 1).
(**70**) S.R.N.I. 1998 No. 444.
(**71**) S.R.N.I. 1998 No. 443.

(e) the mass or serial nature of the production process,

but respecting the degree of rigour and the level of protection required for compliance of the measuring instrument with these Regulations.

3. Where a notified body finds that the essential requirements have not been met by a manufacturer—

(a) it must require that manufacturer to take appropriate corrective measures; and

(b) it must not issue a certificate of conformity.

4. Where in the course of the monitoring of conformity following the issue of a certificate, a notified body finds that a measuring instrument no longer complies, it must require the manufacturer to take appropriate corrective measures and must suspend or withdraw the certificate if necessary.

5. Where corrective measures are not taken or do not have the required effect, the notified body must restrict, suspend or withdraw any certificates, as appropriate.

6. Where a person is aggrieved at a decision taken by a notified body in relation to the conformity assessment of a measuring instrument, the notified body must have appropriate arrangements for the review of that decision by a person who was not involved in the taking of that decision.

7. Notified bodies must inform the notifying authority of the following—

(a) any refusal, restriction, suspension or withdrawal of a certificate;

(b) any circumstances affecting the scope of or conditions for notification;

(c) any request for information which they have received from market surveillance authorities regarding conformity assessment; and

(d) on request, conformity assessment activities performed within the scope of their notification and any other activity performed, including cross-border activities and subcontracting.

8. Notified bodies must provide other bodies notified under this Directive carrying out similar conformity assessment activities covering the same measuring instruments with relevant information on issues relating to negative and, on request positive conformity assessment results.

9. Notified bodies must—

(a) when requested by the Secretary of State, nominate a representative to attend a group convened by the Commission pursuant to Article 40 of the Directive; and

(b) ensure attendance of that representative at meetings of the group.

SCHEDULE 5

Regulation 55(4)

REQUIREMENTS RELATED TO NOTIFIED BODIES

1. A conformity assessment body must be established under the national law of an EEA state and have legal personality.

2. A conformity assessment body must be independent of the organisation or the measuring instrument it assess. A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of measuring instruments which it assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered such a body.

3.—(1) A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks must not be—

(a) the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the measuring instruments they assess; or

(b) the representative of any of the parties referred to in paragraph (a).

(2) Sub-paragraph (1) does not preclude the use of assessed measuring instruments that are necessary for the operations of the conformity assessment body or the use of such instruments for personal purposes.

(3) A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks must not—

(a) be directly involved in the design, manufacture or construction, the marketing, installation, use or maintenance of the measuring instruments they assess;

(b) represent the parties engaged in the activities referred to in paragraph (a); or

(c) engage in any activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are notified, in particular consultancy services.

(4) Paragraph (3) does not preclude the possibility of exchanges of technical information between the manufacturer and the body for the purposes of conformity assessment.

(5) Conformity assessment bodies must ensure that the activities of their subsidiaries or sub-contractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.

4. Conformity assessment bodies and their personnel must—

(a) carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field; and

(b) be free from all pressures and inducements, particularly financial, which might influence—

(i) their judgement or

(ii) the results of their conformity assessment activities, especially as regards persons or groups of persons with an interest in those activities.

5.—(1) A conformity assessment body must be capable of carrying out all the conformity assessment tasks assigned to it by Schedule 1 and in relation to which it has been notified, whether those tasks are carried out by—

(a) the conformity assessment body itself; or

(b) on its behalf and under its responsibility.

(2) At all times and for each conformity assessment procedure and each kind or category of measuring instruments in relation to which it has been notified, a conformity assessment body must have at its disposal the necessary—

(a) personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment tasks;

(b) descriptions of procedure in accordance with which conformity assessment is carried out, ensuring, the transparency and the ability of reproduction of those procedures;

(c) appropriate policies and procedures in place that distinguish between tasks it carries out as a notified body and other activities; and

(d) procedure for the performance of activities which take due account of the size of and undertaking, the sector in which it operates, its structure, the degree of complexity of

the measuring instrument technology in question and the mass or serial nature of the production process.

(3) A conformity assessment body must have—

(a) the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner; and

(b) access to all necessary equipment or facilities.

6. The personnel responsible for carrying out conformity assessment tasks must have the following—

(a) sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment body has been notified;

(b) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority to carry out those assessments;

(c) appropriate knowledge and understanding of—

(i) the essential requirements;

(ii) the applicable harmonised standards and normative documents; and

(iii) the relevant provisions of Union harmonisation legislation and of national legislation; and

(d) the ability to draw up certificates, records and reports demonstrating that assessments have been carried out.

7.—(1) The impartiality of the conformity assessment bodies, their top level management and of the personnel responsible for carrying out the conformity assessment tasks must be guaranteed.

(2) The remuneration of the top level management and personnel responsible for carrying out the conformity assessment tasks of a conformity assessment body must not depend on the number of assessments carried out or the results of those assessments.

8.—(1) Conformity assessment bodies must take out liability insurance.

(2) Sub-paragraph (1) does not apply to the Secretary of State or a body where liability for conformity assessment activities is assumed by the Crown.

9.—(1) The personnel of a conformity assessment body must observe professional secrecy with regard to all information obtained in the carrying out their tasks under these Regulations except in relation to competent authorities of the EEA states in which its activities are carried out.

(2) Proprietary rights must be protected.

10. Conformity assessment bodies must participate in, or ensure that their personnel responsible for carrying out the conformity assessment tasks are informed of, the relevant standardisation activities and the activities of the notified body co-ordination group established under the relevant Union harmonisation legislation and must apply as general guidance, the administrative decisions and documents produced as a result of the work of that group.

SCHEDULE 6 Regulation 61

IN SERVICE REQUIREMENTS FOR CERTAIN REGULATED MEASURING INSTRUMENTS IN GREAT BRITAIN

PART 1

INTRODUCTORY

1.—(1) This Schedule applies to the use for trade of regulated measuring instruments as follows—

(a) Part 2 applies to water meters used for trade for the supply of potable water in the temperature range from 0.1°C to and including 30°C;

(b) Part 3 applies to measuring systems which are used for the continuous and dynamic measurement in a quantity not exceeding 100 litres or 100 kilograms of a liquid fuel, lubricant or a mixture of fuel and lubricant other than—

(i) liquefied petroleum gas; or

(ii) liquefied natural gas;

(c) Part 4 applies to measuring systems (other than one used in connection with the refuelling of aircraft, ships or hovercraft) which are used for the continuous and dynamic measurement in a quantity exceeding 100 litres or 100 kilograms of liquid fuels delivered from a road tanker other than—

(i) liquefied gases;

(ii) lubricating oils;

(iii) liquid fuels of a temperature below -153°C; or

(iv) liquid fuels of a dynamic viscosity exceeding 100 millipascal seconds at 15°C;

(d) Part 5 applies to automatic catchweighers;

(e) Part 6 applies to automatic gravimetric filling instruments;

(f) Part 7 applies to automatic discontinuous totalisers;

(g) Part 8 applies to automatic rail weighbridges;

(h) Part 9 applies to beltweighers;

(i) Part 10 applies to material measures of length; and

(j) Part 11 applies to capacity serving measures.

(2) In this Schedule, "minimum measured quantity" means, in relation to a measuring system, the smallest quantity of liquid fuel for which the measurement is metrologically acceptable for the measuring system.

PART 2

COLD WATER METERS

Requirements for use for trade

2. No person may use for trade a water meter for the supply of potable water to domestic premises in the temperature range from 0.1°C to and including 30°C ("a cold water meter") unless—

(a) it is compliant with the essential requirements applicable to cold water meters (other than the provisions relating to maximum permissible errors);

(b) it operates within the maximum permissible errors set out in paragraph 3; and

(c) the requirements of paragraph 4 are complied with.

Maximum permissible error

3.—(1) Where a cold-water meter is used for trade within a flowrate range set out in column 1 of the following Table, it must operate within the maximum permissible error specified for that flowrate range set out in column 2 of that Table.

Column 1	*Column 2*
Flowrate range	Maximum permissible error as a percentage of quantity delivered
Q_1 to < Q_2	± 6%
Q_2 to and including Q_4	± 2.5%

(2) For the purposes of that Table—

(a) "Q_1" is the lowest flowrate at which the cold-water meter provides indications that satisfy the requirements concerning the maximum permissible errors;

(b) "Q_2" is the flowrate value occurring between the permanent and minimum flowrates, at which the flowrate range is divided into two zones, the upper zone and the lower zone, each zone having a characteristic maximum permissible error;

(c) "Q_3" is the permanent flowrate; and

(d) "Q_4" is the highest flowrate at which the cold-water meter operates in a satisfactory manner.

4.—(1) Where a cold water meter is marked with—

(a) a temperature range, it must not be used for trade in temperatures outside that range; or

(b) a flowrate range, it must not be used at a flowrate outside that range.

(2) Where a cold-water meter bears a mark which signifies the manner and purposes of use, it must not be used for trade in a manner or for a purpose which does not accord with that marking.

(3) A cold water meter must not be used for trade in circumstances—

(a) in which it may be prevented from operating consistently or accurately; or

(b) which are likely prematurely to degrade its metrological characteristics.

(4) A cold-water meter must not be used for trade unless, when adjusted, the calibration of the instrument is set as close to zero as practicable.

PART 3

LIQUID FUEL AND LUBRICANTS

Requirements for use for trade

5. In this Part of this Schedule, "measuring system" means a measuring system which is used for the continuous and dynamic measurement in a quantity not exceeding 100 litres or 100 kilograms of a liquid fuel, lubricant or a mixture of fuel and lubricant other than—

(a) liquefied petroleum gas; or

(b) liquefied natural gas.

6. No person may use for trade a measuring system unless—

(a) it is compliant with the essential requirements other than the provisions relating to maximum permissible errors;

(b) it is so positioned as to facilitate testing;

(c) it operates within the maximum permissible errors in paragraph 7; and

(d) the requirements of paragraph 8 are complied with.

Maximum permissible error

7.—(1) In the case of a measuring system used to measure a quantity of liquid fuel—

(a) above the minimum measured quantity of the measuring system, the maximum permissible error shall be determined in accordance with the following Table.

	Accuracy class of measuring system				
	0.3	0.5	1.0	1.5	2.5
Column 1	*Column 2*	*Column 3*	*Column 4*	*Column 5*	*Column 6*
Quantity	*MPE*	*MPE*	*MPE*	*MPE*	*MPE*
Less than 0.1L	+ 4.8mL -2.4mL	+8mL -4mL	+16mL -8mL	+24mL -12mL	+40mL -20mL
From 0.1L to < 0.2L	+ 4.8% -2.4%	+ 8% -4%	+16% -8%	+ 24% -12%	+ 40% -20%
From 0.2L to < 0.4L	+ 4.8mL -2.4mL	+ 8mL -4mL	+ 16mL -8mL	+ 24mL -12mL	+ 40mL -20mL
From 0.4L to < 1L	+ 1.2% -0.6%	+ 2% -1%	+ 4% -2%	+ 6% -3%	+ 10% -5%
From 1L to < 2L	+12mL -6mL	+20mL -10mL	+40mL -20mL	+60mL -30mL	+100mL -50mL
2L or more	+0.6% -0.3%	+1% -0.5%	+2% -1%	+3% -1.5%	+5% -2.5%

(b) equal to the minimum measured quantity of the measuring system, the maximum permissible error shall be determined in accordance with the following Table.

	Accuracy class of measuring system				
	0.3	0.5	1.0	1.5	2.5
Column 1	*Column 2*	*Column 3*	*Column 4*	*Column 5*	*Column 6*
Quantity	*MPE*	*MPE*	*MPE*	*MPE*	*MPE*
Less than 0.1L	+4.8mL -2.4mL	+8mL -4mL	+16mL -8mL	+24mL -12mL	+40mL -20mL
From 0.1L to < 0.2L	+ 4.8% -2.4%	+8% -4%	+ 16% -8%	+24% -12%	+40% -20%
From 0.2L to < 0.4L	+ 9.6mL -4.8mL	+ 16mL -8mL	+ 32mL -16mL	+ 48mL -24mL	+ 80mL -40mL
From 0.4L to < 1L	+ 2.4% -1.2%	+ 4% -2%	+8% -4%	+ 12% -6%	+ 20% -10%
From 1L to < 2L	+24mL -12mL	+40mL -20mL	+80mL -40mL	+120mL -60mL	+200mL -100mL
2L or more	+1.2% -0.6%	+2% -1%	+4% -2%	+6% -3%	+10% -5%

(2) But the maximum permissible error for a quantity above the minimum measured quantity of the measuring system shall not be less than the maximum permissible error for a quantity equal to the minimum measured quantity.

(3) Where the measuring system falls within an accuracy class of 0.3, 0.5, 1.0, 1.5 or 2.5, it shall, for a quantity set out in column 1 of the relevant Table, operate within the maximum permissible error set out in column 2, 3, 4, 5 or 6 of that Table for that class and that quantity.

Manner of use

8.—(1) Where a measuring system is marked with—

(a) a temperature range, it must not be used for trade in temperatures outside that range; and

(b) a flowrate range, it must not be used for trade at a flowrate outside that range.

(2) A measuring system must not be used for trade unless it is marked in a manner which is sufficiently clear to enable the buyer to identify the product which that measuring system delivers but this paragraph does not apply where the measuring system is used in the absence of the buyer.

(3) A measuring system must not be used for trade in circumstances which are likely prematurely to degrade its metrological characteristics.

(4) A measuring system must not be used for trade unless the sales indicator—

(a) is set to zero before measurement of the liquid fuel commences;

(b) remains at zero until that fuel starts to emerge from the system;

(c) is not reset to zero during measurement of that fuel; and

(d) cannot be advanced by any means other than by the discharge of that fuel from the system and the proper operation of the system.

(5) If a measuring system is adjusted, it must not be used for trade unless the calibration of the system is set as close to zero error as is practicable.

(6) Where a measuring system used for trade bears a mark (other than a mark referred to in paragraph (1)) which signifies the manner and purpose of use, that system must not be used in a manner or for a purpose which does not accord with that marking.

(7) A measuring system must not be used in circumstances in which it may be prevented from operating consistently or accurately.

(8) Nothing in paragraphs (6) or (7) shall prevent the use for trade of a measuring system where a buyer chooses to take a delivery which is less than the minimum measured quantity.

PART 4

LIQUID FUEL DELIVERED FROM ROAD TANKERS

Requirements for use for trade

9. In this Part of this Schedule, "measuring system" means a measuring system (other than one used in connection with the refuelling of aircraft, ships or hovercraft) which is used for the continuous and dynamic measurement in a quantity exceeding 100 litres or 100 kilograms of liquid fuel delivered from a road tanker other than—

(a) liquefied gases;

(b) lubricating oils;

(c) liquid fuels of a temperature below -153°C; or

(d) liquid fuels of a dynamic viscosity exceeding 100 millipascal seconds at 15°C.

10. No person shall use for trade a measuring system unless—

(a) it is compliant with the essential requirements other than the provisions relating to maximum permissible errors;

(b) it is erected an installed so as to facilitate testing;

(c) it operates within the maximum permissible errors in paragraph 11; and

(d) the requirements of paragraphs 12 and 13 are complied with.

Maximum permissible error

11.—(1) A measuring system which falls within an accuracy class of 0.3, 0.5 or 1.0 must, when used to measure a quantity set out in column 1 of the following Table, operate within the maximum permissible error as set out in column 2, 3 or 4 of that Table for that class and that quantity.

	Accuracy class		
	0.3	0.5	1.0
Column 1	*Column 2*	*Column 3*	*Column 4*
Quantity delivered	*Maximum permissible error*	*Maximum permissible error*	*Maximum permissible error*
MMQ to and including MMQ x 2	± 0.6% x MMQ	± 1% x MMQ	±2% x MMQ

	Accuracy class		
	0.3	0.5	1.0
Column 1	*Column 2*	*Column 3*	*Column 4*
Quantity delivered	*Maximum permissible error*	*Maximum permissible error*	*Maximum permissible error*
>MMQ x 2	± 0.3% x quantity delivered	± 0.5% x quantity delivered	± 1.0% x quantity delivered

(2) In the Table, "MMQ" means minimum measured quantity.

Manner of use

12.—(1) Where a measuring system is marked with—

(a) a temperature range, it must not be used for trade in temperatures outside that range; or

(b) a flowrate range, it must not be used for trade at a flowrate outside that range.

(2) A measuring system which bears a mark which signifies the manner and purpose of use must not be used for trade in a manner or for a purpose which does not accord with that marking.

(3) If a measuring system is adjusted, it must not be used for trade unless the calibration of the system is set as close to zero error as is practicable.

(4) A measuring system must not be used for trade unless it is fitted with a ticket printing mechanism which provides an individual printed ticket.

(5) A measuring system must not be used for trade in circumstances which are likely prematurely to degrade its metrological characteristics.

(6) A measuring system must not be used for trade unless the sales indicator—

(a) is set to zero before measurement of the liquid fuel commences;

(b) remains at zero until that fuel starts to emerge from the instrument;

(c) is not reset to zero during measurement of that fuel; and

(d) cannot be advanced by any means other than by the discharge of that fuel from the instrument and the proper operation of instrument.

(7) A measuring system must not be used in circumstances—

(a) which are likely prematurely to degrade its metrological characteristics; or

(b) in which it may be prevented from operating consistently or accurately.

Minimum measured quantity

13.—(1) A measuring system must not be used to measure quantities of liquid fuel delivered from a road tanker that are less than the minimum measured quantity but this paragraph does not apply where—

(a) a measurement is made to determine payments in respect of any customs or excise duty; or

(b) a frustrated delivery has taken place and all reasonable precautions have been taken and all due diligence has been exercised to avoid a frustrated delivery.

(2) In sub-paragraph (1)(b), "frustrated delivery" means a delivery of liquid fuel from a road tanker which cannot be completed because—

(a) there is insufficient space in the buyer's storage tank;

(b) continuing the delivery would result in contamination of the liquid fuel or the mixing of different types of liquid fuel; or

(c) a component of the meter measuring system breaks down.

PART 5

AUTOMATIC CATCHWEIGHERS

Interpretation of Part

14. In this Part references to an automatic catchweigher are to accuracy classes Y(I), Y(II), Y(a) and Y(b) as defined in the Directive.

Requirements for use for trade of automatic catchweighers

15.—(1) No person shall use for trade an automatic catchweigher unless—

(a) it is compliant with the essential requirements other than the provisions relating to maximum permissible errors;

(b) in the case of an automatic catchweigher of accuracy class Y(I), Y(II), Y(a) or Y(b) it operates within the maximum permissible errors in paragraph 16;

(c) the requirements of paragraphs 17 to 20 are complied with; and

(d) it has been erected and installed in accordance with the requirements of paragraph 21.

Maximum permissible error

16.—(1) The maximum permissible error for an automatic catchweigher in automatic operation is to be determined in accordance with the following table—

Net Load (m) in verification scale intervals (e)				*Maximum permissible error*
Y(I)	*Y(II)*	*Y(a)*	*Y(b)*	
0 < m ≤ 50 000	0 < m ≤ 5 000	0 < m ≤ 500	0 < m ≤ 50	±2e
50 000 < m ≤ 200 000	5 000 < m ≤ 20 000	500 < m ≤ 20 2000	50 < m ≤ 200	±3e
200 000 < m	20 000 < m≤ 100 000	2 000 < m ≤ 10 000	200 < m ≤ 20 1 000	±4e

(2) The maximum permissible error for an automatic catchweigher in non-automatic operation is to be determined in accordance with the following table—

Net Load (m) in verification scale intervals (e)				*Maximum permissible error*
Y(I)	*Y(II)*	*Y(a)*	*Y(b)*	
0 < m ≤ 50 000	0 < m ≤ 5 000	0 < m ≤ 500	0 < m ≤ 50	±1e
50 000 < m ≤ 200 000	5 000 < m ≤ 20 000	500 < m ≤ 20 2000	50 < m ≤ 200	±2e
200 000 < m	20 000 < m≤ 100 000	2 000 < m ≤ 10 000	200 < m ≤ 20 1 000	±3e

Manner of use

17. An automatic catchweigher marked with a measurement range may be used for trade for determining the difference between two weights where both items fall within the measurement range.

18. Where an automatic catchweigher is marked with a measurement range, no person may use the catchweigher for trade for determining a weight outside that range in relation—

(a) to, or to articles made from, gold, silver or other precious metals, including gold or silver thread or fringe;

(b) to precious stones or pearls; or

(c) to drugs or other pharmaceutical products.

19. No person may use for trade an automatic catchweigher other than catchweigher of accuracy class Y(I) or Y(II) in any transaction—

(a) in, or in articles made from gold silver or other precious metals, including gold or silver thread or fringe; or

(b) in precious stones or pearls.

20.—(1) Where an automatic catchweigher is marked with a temperature range, it must not be used for trade in temperatures outside that range.

(2) Where an automatic catchweigher bears a mark which signifies the manner and purpose of use, it must not be used for trade in a manner or for a purpose which does not accord with that marking.

(3) An automatic catchweigher of accuracy class Y(b) must only be used for weighing ballast or waste.

(4) An automatic catchweigher must not be used for trade in circumstances—

(a) in which it may be prevented from operating consistently or accurately; or

(b) which are likely prematurely to degrade its metrological characteristics.

(5) For the purposes of paragraph (3), "waste" means any substance that its holder discards, or intends or is required to discard, including any waste disposed of for reprocessing or recycling purposes.

Manner of erection and installation

21.—(1) Every automatic catchweigher must be positioned so as to facilitate cleaning and testing.

(2) The installation of an automatic catchweigher must be so designed that an automatic weighing operation will be the same for testing as for use for a transaction.

(3) If an automatic catchweigher has any special equipment for its control which is not a permanent fixture of the catchweigher, it must be kept in the vicinity of the catchweigher.

PART 6

AUTOMATIC GRAVIMETRIC FILLING INSTRUMENTS

22.—(1) No person may use for trade an automatic gravimetric filling instrument unless—

(a) it is compliant with the essential requirements other than the provisions relating to permissible errors;

(b) the instrument operates within the limits of the maximum permissible error determined in accordance with paragraph 23;

(c) the requirements of paragraphs 24 and 25 are complied with;

(d) it has been erected and installed in accordance with the requirements of paragraph 26;

(e) subject to paragraph (f), where test fills are required these limits are determined on the basis of consecutive fills; and

(f) in the case of an instrument of the description and maximum capacity set out respectively, in columns 1 and 2 of the Table set out in this paragraph, it is within the accuracy class specified for that instrument in column 3 or within an accuracy class of a higher level of precision than the specified class.

Accuracy classes for automatic gravimetric filling instruments used for trade

Description of use of filling instrument	*Maximum capacity of filling instruments*	*Accuracy Class*
(1)	(2)	(3)
For use for weighing potato crisps and other snack foods	Any capacity	X(2)
For use for weighing solid fuel	110 kg or less	X(1)
For use for weighing vegetable produce	55 kg or less	X(1)
For weighing waste	Any capacity	X(1)
For use for weighing materials not described in any of the above	Less than 5 kg	X(1)
	5 kg or more	X(0.5)

Maximum permissible error

23.—(1) A automatic gravimetric filling instrument shall have a specified accuracy class X(x) for which the maximum permissible error value of each fill from the average shall be equal to the limits specified in the following table, multiplied by the class designation factor (x) calculated in accordance with sub-paragraph (2)—

Value of the mass of the fills (m) in grams	*Maximum permissible deviation of each fill from the average for class X(1)*
	In use
$m \leq 50$	9%
$50 < m \leq 100$	4.5 grams
$100 < m \leq 200$	4.5%
$200 < m \leq 300$	9 grams
$300 < m \leq 500$	3%
$500 < m \leq 1000$	15 grams
$1\,000 < m \leq 10\,000$	1.5%
$10\,000 < m \leq 15\,000$	150 grams

Value of the mass of the fills (m) in grams	*Maximum permissible deviation of each fill from the average for class X(1)*
15 000 < m	1%

(2) In sub-paragraph (1), (x) shall be 1 x 10^k, 2 x 10^k, 5 x 10^k, k being a positive or negative whole number or zero.

(3) For in-service testing, when the reference particle mass exceeds 0.1 of the maximum permissible in-service deviation, the values derived from the table in sub-paragraph (1) shall be increased by 1.5 times the value of the reference particle mass. However the maximum value of the maximum permissible deviation shall not exceed (x) by 9%.

(4) Particle mass correction is not applicable to limits which are derived from the table in sub-paragraph (1) including influence quality tests and zero setting.

(5) The table in sub-paragraph (1) is illustrative of the maximum permissible deviation where the class designation factor is 1.

Manner of use

24.—(1) Where an automatic gravimetric filling instrument is marked with a temperature range, it must not be used for trade in temperatures outside that range.

(2) Where an automatic gravimetric filling instrument bears a mark which signifies the manner and purpose of use, it must not be used for trade in a manner or for a purpose which does not accord with that marking.

(3) An automatic gravimetric filling instrument must only be used for trade for the purpose of weighing material the value of which, expressed in units of measurement of mass, is neither less than the value of the minimum capacity nor more than the value of the maximum capacity.

(4) An automatic gravimetric filling instrument must not be used for trade in circumstances—

(a) in which it may be prevented from operating consistently or accurately; or

(b) which are likely prematurely to degrade its metrological characteristics.

Automatic gravimetric filling instruments to be set to zero

25.—(1) Subject to sub-paragraph (2), a person must not use an automatic gravimetric filling instrument for trade unless it is properly balanced or set to zero immediately prior to use.

(2) Paragraph (1) does not apply in the case of an instrument if it is designed so as not to balance when unloaded.

Manner of erection and installation

26.—(1) Every automatic gravimetric filling instrument must be so positioned as to facilitate cleaning and testing.

(2) Any special equipment for the control of measuring tasks performed by an automatic gravimetric filling instrument which is not a permanent fixture of the instrument must be kept in the vicinity of the instrument.

PART 7

AUTOMATIC DISCONTINOUS TOTALISERS

Requirements for use for trade

27. No person shall use for trade an automatic discontinuous totaliser unless—

(a) it is compliant with—

(i) the essential requirements other than the provisions relating to maximum permissible errors;

(ii) the requirements of paragraph 28;

(b) it has been erected and installed in accordance with the requirements of paragraph 29; and

(c) in the case of a totaliser falling within an accuracy class set out in column 1 of the following Table, it falls within the maximum permissible error for that class set out in column 2 of that Table.

(1)	*(2)*
Accuracy class	*Maximum permissible error of totalised load*
0.2	± 0.2%
0.5	± 0.5%
1	± 1.0%
2	± 2.0%

Manner of use

28.—(1) Where an automatic discontinuous totaliser is marked with a temperature range, it must not be used for trade in temperatures outside that range.

(2) Where an automatic discontinuous totaliser bears a mark which signifies the manner and purpose of use, it must not be used for trade in a manner or for a purpose which does not accord with that marking.

(3) An automatic discontinuous totaliser shall only be used for trade for the purpose of weighing material the value of which, expressed in units of measurement of mass, is not—

(a) less than the minimum totalised load;

(b) less than the value of the minimum capacity unless processed as the last discrete load of a trade transaction; or

(c) more than the value of the maximum capacity.

(4) An automatic discontinuous totaliser must not be used for trade in such a manner as to cause—

(a) spillage of material from the load receptor; or

(b) loading of the weighing unit above its maximum capacity.

(5) An automatic discontinuous totaliser must not be used for trade in circumstances—

(a) in which it may be prevented from operating consistently or accurately; or

(b) which are likely prematurely to degrade its metrological characteristics.

Manner of erection and installation

29.—(1) An automatic discontinuous totaliser must be so positioned as to facilitate cleaning and testing.

(2) If any special equipment for an automatic discontinuous totaliser is not a permanent fixture of the instrument, it must be kept in the vicinity of the instrument.

(3) In this paragraph "special equipment" means equipment to allow the control of the measuring tasks.

(4) An automatic discontinuous totaliser which has either a non-automatic zero-setting device or semi-automatic zero setting device must be erected in such a manner that the operator can readily take up a position from which he can check the zero and operate the zero setting controls.

PART 8

AUTOMATIC RAIL WEIGHBRIDGES

Requirements for use for trade

30. No person shall use for trade an automatic rail-weighbridge unless—

(a) it is compliant with the essential requirements other than the provisions relating to maximum permissible errors;

(b) it is erected and installed in accordance with paragraph 31;

(c) it operates within the maximum permissible errors in paragraph 32;

(d) the requirements of paragraph 33 are complied with.

Manner of erection and installation

31.—(1) Every automatic rail-weighbridge must be—

(a) so positioned as to facilitate cleaning and testing; and

(b) installed so that the weighing operation is the same for testing as it is for a transaction.

(2) If the weighing mechanism of the automatic rail-weighbridge is contained in a pit, there must be provision for drainage to ensure that no portion of the rail-weighbridge becomes submerged or partially submerged in any liquid.

Maximum permissible error and accuracy class

32.—(1) Where an automatic rail-weighbridge falls within an accuracy class in column 1 of the following Table, the rail-weighbridge must operate within the maximum permissible error specified for that class in column 2 of that Table—

Column 1	*Column 2*
Accuracy class	*Maximum permissible error as a percentage of the mass of a single wagon or total train*
0.2	± 0.2%
0.5	± 0.5%
1	± 1.0%
2	± 2.0%

(2) Where an automatic rail-weighbridge falls within an accuracy class 2, it shall only be used for trade for the weighing of a wagon loaded with—

(a) any of the materials to which the expression "ballast" applies in Schedule 4 of the 1985 Act;

(b) any material the disposal of which constitutes a landfill disposal as defined in section 70(2) of the Finance Act 1996(**72**), whether or not the disposal amounts to a taxable disposal as defined in section 40 of that Act; or

(c) waste.

(3) For the purposes of paragraph (2)(c), "waste" means any substance that its holder discards, or intends or is required to discard, including any waste disposed of for reprocessing or recycling purposes.

Manner of use

33.—(1) Where an automatic rail-weighbridge is marked with—

(a) a temperature range, it must not be used for trade in temperatures outside that range;

(b) a weight measurement range, it must not be used for trade in a manner or for a purpose that does not accord with that marking.

(2) Where an automatic rail-weighbridge bears a mark which signifies the manner and purpose of use, it must not be used for trade in a manner or for a purpose which does not accord with that marking.

(3) An automatic rail-weighbridge must not be used for trade—

(a) unless it is properly balanced or set to zero immediately prior to use; or

(b) in circumstances—

(i) in which it may be prevented from operating consistently or accurately; or

(ii) which are likely prematurely to degrade its metrological characteristics.

(4) Where an automatic rail-weighbridge is fitted with a printing device, the rail-weighbridge must not be used for trade unless the printing device produces a printout which—

(a) indicates the weight or each wagon weighed or, in the case of a total train, the weight of that total train;

(b) indicates which wagon, if any, has travelled over the load receptor at a speed outside the range of operating speeds; and

(c) is not altered due to any wagon travelling over the load receptor more than once.

PART 9

BELTWEIGHERS

Requirements for use for trade

34. No person shall use for trade a beltweigher unless—

(a) it is compliant with the essential requirements other than the provisions relating to maximum permissible errors;

(b) the requirements of paragraphs 35 and 36 are complied with;

(**72**) 1996 c.8.

(c) it has been erected and installed in accordance with the requirements of paragraph 37; and

(d) in the case of a beltweigher which is stated to be of an accuracy class set out in column 1 of the Table set out in this paragraph it is within the maximum permissible error for that accuracy class as set out in column 2 of that Table.

Column (1)	*Column 2*
Accuracy Class	Maximum permissible error for totalised load
0.5	± 0.5%
1	± 1.0%
2	± 2.0%

Manner of use

35.—(1) Where a beltweigher is marked with a temperature range, it must not be used for trade in temperatures outside that range.

(2) Where a beltweigher bears a mark which signifies the manner and purpose of use, it must not be used for trade in a manner or for a purpose which does not accord with that marking.

(3) A beltweigher of accuracy class 2 must only be used for trade for weighing any of the materials to which the term "ballast" applies in Schedule 4 of the 1985 Act.

(4) A beltweigher must not be used for trade in such a manner as to cause—

(a) spillage of material from the belt; or

(b) loading of the weighing unit above its maximum capacity.

(5) A beltweigher must not be used for trade in circumstances—

(a) in which it may be prevented from operating consistently or accurately; or

(b) in which are likely prematurely to degrade its metrological characteristics.

Position of the operator

36. Every beltweigher must be erected in such a manner that the operator can readily take up a position from which he can—

(a) read any indication of zero totalisation;

(b) operate any zero-setting control; and

(c) see whether the belt passing over the weighing unit is empty.

Manner of erection and installation

37.—(1) Every beltweigher must be positioned so as to facilitate cleaning and testing.

(2) The installation of a beltweigher must be so designed that an automatic weighing operation will be the same for testing as for a transaction.

(3) Every beltweigher must be erected in such a way that it is possible to carry out a material test in a place where it is to be used, including in particular the depositing on, or removal from, the belt of material test loads in a reliable and easy manner, without disrupting the normal operation of the beltweigher.

(4) Any special equipment for the control of the measuring tasks of a beltweigher which is not a permanent fixture of the beltweigher, must be kept in the vicinity of the beltweigher.

PART 10

MATERIAL MEASURES OF LENGTH

Requirements for use for trade

38. No person shall use for trade a material measure of length unless—

(a) it is compliant with the essential requirements other than the provisions relating to limits of maximum permissible errors;

(b) it operates within twice the limits of maximum permissible error referred to in the essential requirements; and

(c) the requirements of paragraph 39 are complied with.

Manner of use

39.—(1) Where a material measure of length is marked with a temperature range, it must not be used for trade in temperatures outside that range.

(2) Where a measure bears an inscription which signifies the manner and purpose of use, it must not be used for trade in a manner or for a purpose which does not accord with that inscription.

(3) No person shall use a material measure of length for trade in such manner as to expose it to environmental or other influences which may adversely affect its accuracy or function

PART 11

CAPACITY SERVING MEASURES

Requirements for use for trade

40. No person shall use for trade a capacity serving measure unless—

(a) it is compliant with the essential requirements;

(b) the requirements of 41 are complied with; and

(c) it does not bear any decorations or designs which may cause confusion in use.

Manner of use

41. No person shall use for trade a capacity serving measure for the measurement of intoxicating liquor before its transfer to a container in which the buyer is to receive it, unless the buyer has a clear and unobstructed view of the measurement and transfer.

SCHEDULE 7

Regulations 33(4), 60(8) and 66(4)

MONETARY PENALTIES

Introduction

1. This Schedule applies in relation to the imposition by the Secretary of State of a monetary penalty under these Regulations.

Procedure

2.—(1) Before imposing a monetary penalty under these Regulations, the Secretary of State must notify the economic operator of the Secretary of State's intention to do so.

(2) The notice must—

(a) specify the proposed amount of the penalty which must not exceed £50,000;

(b) specify the Secretary of State's reasons for proposing to impose the penalty;

(c) specify the period during which the [economic operator] may make representations about the proposal ("the specified period"), and

(d) specify the way those representations may be made.

(3) The specified period must not be less than 28 days beginning with the date on which the notice is received.

(4) The Secretary of State must have regard to any representations made by the economic operator during the specified period in deciding whether to impose a monetary penalty on it.

(5) Having decided whether or not to impose a monetary penalty, the Secretary of State must notify the economic operator of its decision.

(6) Where the decision is to impose a monetary penalty, the notice must specify—

(a) the amount of the penalty, and

(b) the period within which the penalty must be paid

(7) The notice must also contain information as to—

(a) the grounds for imposing the penalty,

(b) how payment may be made,

(c) rights of appeal,

(d) the period within which an appeal may be made, and

(e) the consequences of non-payment.

(8) The requirement to pay the penalty is suspended at any time when an appeal could be brought in respect of the penalty or such an appeal is pending.

(9) But that does not prevent the requirement to pay taking effect if the economic operator on whom the penalty is imposed notifies the Secretary of State that it does not intend to appeal.

Appeals

3.—(1) An economic operator on whom a penalty is imposed may appeal to the First-tier Tribunal against—

(a) a decision under any provision of these Regulations to impose a penalty;

(b) a decision as to the amount of the penalty.

(2) An appeal may be made under this paragraph may be made on the grounds—

(a) that the decision was based on an error of fact;

(b) that the decision was wrong in law;

(c) that the decision was unreasonable.

(3) On an appeal under this paragraph, the Tribunal may—

(a) withdraw the requirement to pay the penalty;

(b) confirm the requirement;

(c) vary that requirement;

(d) remit the decision whether to confirm the requirement to pay the penalty, or any matter relating to that decision to that decision, to the Secretary of State

Interest and recovery

4.—(1) This paragraph applies if all or part of a monetary penalty imposed under these Regulations is unpaid by the time when it is required to be paid.

(2) The unpaid amount of a penalty for the time being—

(a) carries interest at a rate for the time being specified in section 17 of the Judgments Act 1838(**73**), and

(b) does not also carry interest as a judgment debt under that section.

(3) The total amount of interest imposed under sub-paragraph (2) must not exceed the amount of the penalty.

(4) The Secretary of State may recover from the economic operator on whom it is imposed as a civil debt, the unpaid amount of the penalty and any unpaid interest.

(5) Any sums received by the Secretary of State by way of a penalty imposed under these Regulations or interest under this paragraph must be paid into the Consolidated Fund.

(**73**) 1838 c.110.