

Update - Changes to UK Weighing Legislation from 1 January 2003

Background

From 1 January 2003, the Non-Automatic Weighing Instruments Regulations 2000 may apply to non-automatic weighing instruments that you use. A non-automatic weighing instrument is one where an operator is involved in some part of the weighing process. From that date, you will need to ensure that the instruments meet the requirements of the Regulations where instruments are brought into use for any of the purposes in list A or B below (the words in quotation marks are taken directly from Directive 90/384/EEC).

List A:

- "Determination of mass for commercial transactions", which deals with trading transactions where the goods are bought or sold by mass. The cost therefore is directly proportional to the mass of the product. For example: weighing of fruit in a greengrocers, or using a weighbridge to weigh a load of timber.
- "Determination of mass for the calculation of a toll, tariff, tax, bonus, penalty, remuneration, indemnity or similar type of payment". This category of use not only includes situations where the payment is directly proportional to the mass, e.g. remuneration, tax, but also situations where the mass value determines the cost of the service, e.g. post office use, laundry or airport baggage tariff, charge for transporting goods, disposal of waste.
- "Determination of mass for the application of laws or regulations; expert opinions given in court proceedings", which covers the activities where an instrument is used by a person who is not an expert in metrology but is giving evidence based on weighing results. Instruments used for the same purposes by experts from metrological laboratories, government or public authority laboratories and forensic laboratories are therefore excluded on the condition that such laboratories keep their instruments properly maintained, calibrated and adjusted. This might however include, for instance: the weighing of aircraft in connection with statutory requirements, or the weighing of vehicles in connection with statutory weight restrictions.
- "Determination of mass in the practice of medicine for weighing patients for the purposes of monitoring, diagnosis and medical treatment", which covers those activities where medical staff are responsible for the weighing of patients. Examples are the use of weighing instruments in hospitals, health centres or taken into the community for medical purposes. Medical staff includes all persons that lawfully carry out the medical weighing tasks concerned in their Member State. Medical weighing tasks might include, for example, bed-weighers and baby-weighers.
- "Determination of mass for making up medicines on prescription in a pharmacy and determination of mass in analyses carried out in medical and pharmaceutical laboratories", where medical laboratories are laboratories that carry out analyses at the request of medical practitioners and pharmaceutical laboratories are quality control laboratories of manufacturers of medicinal products for human use. Pharmaceutical laboratories do not include the research and development laboratories of manufacturers of these medicinal products.
- "Determination of price on the basis of mass for the purposes of direct sales to the public and the making up of pre-packages". The former case covers the use of instruments with price calculation, in particular price-calculating retail scales, and the latter refers to scales used to make up pre-weighed non-predetermined quantities.

Requirements relating to instruments covered by List A - generally type examination, followed by one of the verification options

List B "All other applications other than those listed in " [List A above]

- Sports and sporting records;
- Domestic use (kitchen, bathroom, ...);
- Geological surveys;
- Veterinary medicine;
- Medical practice, except for the weighing of live patients;
- Goods inwards inspection, etc (checking scales);



- Weighing of goods for customer information only and not for the final determination of mass (not to be confused with self-service scales that are used for the final determination of mass);
- Weighing for any non-List A purpose against payment. The payment represents a situation of commercial transaction for the determination of mass, which does not convert the use into a List A use. (Eg: coin-operated person weighers).
- The use in quality systems. The metrological requirements that a measuring instrument, used in the operation of a quality system, needs to fulfil are, inter alia, that it has appropriate accuracy and is properly calibrated and periodically recalibrated against traceable metrological standards by a metrological laboratory. These requirements apply regardless of the status of the system (private agreement between two parties, mandatory certification procedure, ...). Although they do not exclude the use of legal measuring instruments, they do not render them mandatory either.

Also the use of instruments by

- Metrological enforcement agents
- Metrological experts (eg national metrology laboratories, ...);
- Government or public authority laboratories, forensic laboratories, ...

Requirements relating to instruments covered by List B - must bear the manufacturer's mark or name and the maximum capacity in the form Max [n] kg, g, etc

Who will be affected?

In order to determine whether you will be affected, you simply need to answer the following two questions:

- i) will the instrument be used for one of the purposes detailed in the lists?
- ii) will the instrument be first brought into use after 31 December 2002?

If the answer to both of these questions is yes, then the Regulations will apply to your instrument. You may wish to seek your own legal advice, if there is any doubt as to whether the Regulations would apply. Alternatively you may wish to contact the Trading Standards Department within your Local Authority for advice. Trading Standards Officers are responsible for enforcing many of the requirements within the Regulations. If you do not know where to find them, you can use the postcode find facility on www.tradingstandards.gov.uk. Unlike the provisions of the Weights and Measures Act 1985 there is no exemption in the Regulations for Crown bodies, eg government departments.

If the Regulations apply, what will you need to do?

You will need to ensure that any instruments you purchase after 31 December 2002 comply with the requirements of the Regulations. Perhaps the simplest way for you to do this is to ask the instrument's supplier to confirm that it meets the requirements of the above Regulations, and that in the case of List A uses it bears the necessary symbols, which are:

- i) the 'CE' marking; ii) the 'M' (black 'M' on a green background); and iii) a four digit number (the identification number of one of several bodies who are authorised to test instruments and confirm that they accord with the Directive on which the Regulations are based).

Does this affect instruments which were brought into use prior to the deadline?

No it does not. You will be able to continue to use any instruments that you have had in use prior to 1 January 2003; and they will not be affected by this change. However, you should note that such instruments may be subject to the requirements of other Regulations.

Where can I obtain copies of the Regulations/further information?

You can obtain a copy of the Regulations from The Stationery Office Limited. The reference number for the Regulations is: statutory instrument number S.I. 2000/3236. Orders may be placed via telephone number 0870 600 55 22 or facsimile number 0870 600 55 33. Alternatively copies may be ordered through booksellers. The Regulations may also be found on the HMSO website at www.legislation.hmso.gov.uk.

General information regarding legal metrology can be found at www.nwml.gov.uk or email info@nwml.gov.uk

