



Department
for Business
Innovation & Skills

**THE WEIGHTS AND MEASURES
(REVOCATIONS) REGULATIONS 2015**

**(A) REPEAL OF THE NATIONAL
REGULATIONS IMPLEMENTING SEVEN
“OLD APPROACH” DIRECTIVES ON
METROLOGY**

**(B) REPEAL OF THE CAPACITY SERVING
MEASURES (INTOXICATING LIQUOR)
REGULATIONS 1988 (AS AMENDED)**

Consultation

DECEMBER 2014

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1. Summary

What is being consulted on?

- 1.1 The National Measurement Office (NMO) is consulting on the future of national “old approach” metrology directives legislation and on the revocation of national regulations on capacity serving measures.
- 1.2 From 30 November 2015, the seven remaining “old approach” directives on the harmonisation of the laws of Member States relating to measuring instruments and methods of metrological control are to be repealed by Directive 2011/17/EU, subject to a 10 year transition.

The remaining seven directives concerned are:

- Directives 71/317/EEC and 74/148/EEC on Medium and Above-Medium Accuracy Weights respectively;
- Directive 71/347/EEC on Standard Mass of Grain;
- Directive 75/33/EEC on Cold Water Meters for heavy industrial use and for non-clean water;
- Directives 76/765/EEC and 76/766/EEC on Alcohol meters and Alcohol hydrometers, and Alcohol Tables respectively;
- Directive 86/217/EEC on Tyre Pressure Gauges for Motor Vehicles;

The national regulations listed below which transposed the Directives must, subject to transitional provisions, be repealed by 1 December 2015. The UK regulations concerned are as follows:-

- The Measuring Instruments (EEC Requirements) Regulations 1988 which cover:-
 - Tyre pressure gauges;
 - Medium accuracy weights and Above medium accuracy weights
 - Standard mass of grain; and
 - Cold water meters (apart from those already revoked by MID); and
- The Measuring Instruments (EEC Requirements) (Amendment) Regulations 1988; and
- The Measuring Instruments (EC Requirements) (Amendment) Regulations 2008; and
- The Measuring Instruments (EEC Requirements) (Gas Volume Meters) Regulations 1988; and
- The Alcoholometers and Alcohol Hydrometers (EEC Requirements) Regulations 1977; and
- The Alcohol Tables Regulations 1979;
- The Measurement of Cereals for Import and Export Purposes Regulations 1975; and
- The Measurement of Cereals for Import and Export Purposes (Amendment) Regulations 1976

1.2 This consultation is also seeking views on proposals to revoke the existing national Capacity Serving Measures (Intoxicating Liquor) Regulations 1988 (as amended) on capacity

serving measures (CSMs) which have been superseded by the Measuring Instruments Directive 2004/22/EC implemented under the Measuring Instruments (Capacity Serving Measures) Regulations 2006.

1.3 The repeal of all the above national legislation represents commitments made under the Government's "Red Tape Challenge" and forms part of the Government's commitment to reduce both the number and burden of regulations.

1.4 It is proposed that both the revocation of legislation on "old approach" measuring instruments and on CSMs should be achieved through a single Statutory Instrument;

- The revocation of the Capacity Serving Measures (Intoxicating Liquor) Regulations 1988 (as amended) should come into force with immediate effect as soon as the regulations can be made.
- The revocation of the Measuring Instruments (EEC Requirements) Regulations 1988 (as amended), the Measuring Instruments (EEC Requirements) (Gas Volume Meters) Regulations 1988, the Alcoholometers and Alcohol Hydrometers (EEC Requirements) Regulations 1977; the Alcohol Tables Regulations 1979; the Measurement of Cereals for Import and Export Purposes Regulations 1975 (as amended) which together would represent the repeal of the remaining provisions of Directive 2011/17/EU, to come into effect, subject to the transitional provisions, from 1 December 2015.

2. Introduction

Why are these changes needed?

2.1 Directive 2011/17/EU, will revoke the remaining 'old approach' EEC metrology Directive legislation that was originally implemented in the 1970s and covers five different types of measuring instruments. The original intention was to allow for any UK measuring instrument meeting specific technical requirements to have free access to regulated European markets. However, use of this legislation has become increasingly obsolete due to the limitations in scope, rigid technical requirements and the development in 2008 of an alternative route to EU markets through mutual recognition of national legislation. Very little UK equipment has ever been conformity assessed under this route. In most cases no conformity approvals have ever been granted. Therefore, the anticipated impact on UK business will be zero. There is evidence of only one manufacturer with approved equipment (for tyre pressure gauges) and the four approvals will run out in 2022, well within the transition period. Therefore, no impact assessment has been produced as the revocation has negligible impact on the costs for business.

- Directive 71/317/EEC on Medium Accuracy Weights
 - There is no evidence of EEC verification being carried out by local weights and measures authorities.
 - There is no evidence of UK Manufacturers offering EEC medium accuracy weights.
 - Equivalent UK national legislation already exists in the Weights Regulations 1986.
- Directive 71/347/EEC on Standard Mass of Grain
 - There is no evidence that instruments of a category to which 71/347/EEC applies have ever been submitted to the Secretary of State for EEC pattern approval.
 - It is believed 71/347/EEC is not used in the UK and that reliance is placed on the provisions of international standards (ISO 7971 and OIML R-15).
- Directive 74/148/EEC on Above-Medium Accuracy Weights
 - There is no evidence of EEC verification being carried out by the Secretary of State or nominated local weights and measures authorities.
- Directive 75/33/EEC on Cold Water Meters for heavy industrial use and for non-clean water
 - There are no equivalent UK national regulations.
 - The remaining water meters subject to Directive 75/33/EEC are not prescribed in the UK. The Measuring Instruments Directive (2004/22/EC) repealed the Directive in relation to clean cold water meters for residential, commercial and light industrial use. The extent to which the UK has prescribed such meters is covered under the Measuring Instruments (Cold-water meters) Regulations 2006.
- Directive 76/765/EEC on Alcoholometers & Alcohol Hydrometers
 - There are no equivalent UK national regulations.
 - Alcoholometers and alcohol hydrometers are not prescribed in the UK. Where such meters are required for use international standards (ISO 4801 & ISO 4805, OIML R-44)

are available. These standards, which cover traditional meters, mirror the requirements of the Directive. Electronic types of meters are both outside the scope of the Directive and, at present, the international standards.

- Directive 76/766/EEC on Alcohol Tables
 - These tables are for use with alcoholometers and alcohol hydrometers. With no prescription in the UK there is no need for these tables to remain. Equivalent international standards are in existence (OIML R-22 'alcohol tables').
- Directive 86/217/EEC on Tyre Pressure Gauges for Motor Vehicles
 - There are no equivalent UK national regulations.
 - The Department for Transport have never prescribed the use of such instruments for the use on a garage forecourt or by the public.
 - One UK manufacturer has EEC pattern approvals that run until 2022.

2.2 The 1988 Regulations (as amended) on CSMs have effectively become redundant as they have, since October 2006, been superseded by new EU legislation on Measuring Instruments. Since that date it has been prohibited to place new CSMs on the UK market under the 1988 Regulations. All new CSMs from that date have been required to comply with the Measuring Instruments (Capacity Serving Measures) Regulations 2006. Over the years fewer and fewer CSMs already placed on the market under the 1988 Regulations have been put into use. As the life span of traditional glasses is relatively short, and those found to be non-compliant are generally removed from use rather than being made good and re-qualified (which would be uneconomic) there are very few glasses left to which the Regulations could apply and the number is dwindling each year. Given that there are such low numbers left on the market and the low risk of non-compliant glasses it is proposed that the 1988 Regulations be revoked in their entirety.

Who will be affected by these proposals and how?

2.3 Those affected will be:

- Manufacturers of instruments that comply with EEC requirements.
- Manufacturers and users of EEC stamped medium accuracy and above medium accuracy weights.
- Local authority Trading Standards, who are responsible for EEC verification.
- Local authority Trading Standards enforcing crown stamped CSMs under the 1988 Regulations (as amended).

3. How to respond

3.1 When responding please state whether you are responding as an individual or representing the views of an organisation. If you are responding on behalf of an organisation,

please make it clear who the organisation represents by selecting the appropriate interest group on the consultation form and, where applicable, how the views of members were assembled.

3.2 To simplify our evaluation process we would prefer respondents to complete their responses using the on-line survey:

<https://www.surveymonkey.com/s/QTW9ZQ5>

3.3 The consultation response form is also available electronically on our consultation page until the consultation closes.

This form can be submitted online/by email or by letter or fax to:

Robert Harper
National Measurement Office
Stanton Avenue
Teddington
Middlesex
TW11 0JZ
Fax: 020 8943 7270
E-mail: robert.harper@nmo.gov.uk

4. Confidentiality & Data Protection

4.1 Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the

access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). If you want information, including personal data that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

4.2 In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

5. Help with queries

5.1 Questions about the policy issues raised in the document can be addressed to:

Peter Edwards

National Measurement Office
Department of Business, Innovation and Skills
Stanton Avenue
Teddington
TW11 0JZ

Tel: 020 8943 7298
Email: peter.edwards@nmo.gov.uk

The consultation principles are in Annex A.

6. Background

6.1 The European Commission first issued a proposal in 2008 to repeal all eight remaining “old approach” directives relating to the harmonisation of the laws of Member States relating to measuring instruments and methods of metrological control. Following discussion with the

European Parliament a compromise position was reached to initially repeal just one of the directives. Directive 71/349/EEC on the calibration of tanks of inland waterway and coastal vessels.

6.2 On 30 November 2010, the Internal Market and Consumer Protection (IMCO) Committee of the European Parliament endorsed the outcome of the negotiations with the Council concerning the proposal of repealing eight directives in the field of metrology. These directives dated back to the 1970s and had become redundant due to the limitations in scope, rigid technical requirements and the development in 2008 of an alternative route to EU markets through mutual recognition of national legislation. The revised text proposed by the European Parliament was accordingly adopted by the Committee on 9 March 2011 and the new Directive (2011/17/EU) was published on 17 March 2011.

6.3 Directive 2011/17/EU called for the repeal of Directive 71/349/EEC by 30 June 2011 (the UK implementing legislation was repealed through The Calibration of Tanks of Vessels (EEC Requirements) (Revocation) Regulations 2011 (S.I. 2011 No. 1439)) and postponed the repeal date of the remaining seven “old approach” directives to 1 December 2015, subject to a 10 year transition. The future regulation of the measuring instruments subject to the remaining directives was considered in the Commission’s on-going review of the Measuring Instruments Directive on which the Commission was required to report to the Council and European Parliament by 30 April 2011. The Commission’s report concluded there was no significant evidence to support adding the sectors covered by the repealed directives to the Measuring Instruments Directive 2004/22/EC.

6.4 The Measuring Instruments (EEC Requirements) Regulations 1988 covers thirteen different categories of instruments or systems. Directive 2011/17/EU revokes the last remaining five categories. The others have already been revoked under the Non-automatic Weighing Instruments Directive and Measuring Instruments Directive (see para 6.6 below).

6.5 The Non-automatic Weighing Instruments Directive 90/384/EEC repealed Directive 73/360/EEC on non-automatic weighing instruments from 1 January 1993, with a transition period of 10 years, which ended in 2003. Since then, the Measuring Instruments (EEC Requirements) Regulations 1988 have only covered these instruments for in-service control and not initial verification. This in service control will cease when the proposed 2015 revocation regulations are made.

6.6 The Measuring Instruments Directive 2004/22/EC repealed the following Directives from 30 October 2006 with a transition period of 10 years;

- Directive 71/318/EEC on gas meters
- Directive 71/319/EEC on meters for liquids other than water
- Directive 71/348/EC on ancillary equipment for meters for liquids other than water
- Directive 73/362/EEC on material measures of length
- Directive 75/33/EEC on cold water meters (in part)
- Directive 75/410/EEC on continuous totalising weighing machines
- Directive 77/313/EEC on measuring systems for liquids other than water
- Directive 78/1031/EEC on automatic checkweighing and weight grading machines,
- Directive 79/830/EEC on hot-water meters.

The placing on the market of these instruments or systems (with valid type examination certificates) will not be permitted under these Directives after 30 October 2016.

7. The Proposals

NMO is making the following detailed proposals with regards to the revoking of EEC metrology directive legislation.

7.1 EEC initial verification of weights under Directives 71/317/EEC and 74/148/EEC would continue until 30 November 2025.

7.2 It is the intention to remove specific references to Directive 74/148/EEC weights in the Non-automatic Weighing Instruments (NAWI) and Non-automatic Weighing Machines (NAWM) 2000 Regulations. By removing regulation 8 in the NAWI 2000 Regulations on 'appropriate equipment for tests', the Regulations will be consistent with the statutory instruments for Measuring Instruments; whereby the requirements for appropriate equipment will be implicit rather than explicit. Regulation 14(8) of the NAWI 2000 already refers to the specification of the relevant national standard for appropriate examinations and tests. Further information on the relevant national standard and the appropriate weights or equivalent equipment is to be made in the NMO guidance for NAWI and NAWM.

7.3 EEC pattern approvals issued until 30 November 2015 under Directives 71/347/EEC, 75/33/EEC, 86/217/EEC would remain valid for EEC initial verification until the expiry of validity of the certificate.

7.4 The Measuring Instruments (EEC Requirements) Regulations 1988 would continue in force for EEC pattern approvals for cold water meters, material measures of length and gas meters issued before 30 October 2006. There is the possibility of continuing initial verification for all three categories of instrument under EEC type examination certificates. From 1 November 2016 the Measuring Instruments (EEC Requirements) Regulations 1988 would then solely cover cold water meters and material measures of length for in-service control. Gas meters would be subject to in-service control provisions under the Gas Act 1986.

7.5 The Measuring Instruments (EEC Requirements) Regulations 1988 would continue in force up until November 2025, which is the transition period set out in Directive 2011/17/EU, after which all categories would be de-prescribed. After that date any further action deemed necessary could be undertaken under the generic instrument provisions of the Weights and Measures Act 1985.

NMO is making the following detailed proposals with regards to the revoking of Capacity Serving Measures (Intoxicating Liquor) Regulations 1988 (as amended)

7.6 The CSMs 1988 Regulations would be revoked as a result of which all remaining crown stamped CSMs would be de-prescribed and would subsequently come under the general provisions of the Weights and Measures Act 1985. A provision in the revocation regulations would ensure that CSMs which were placed on the market under the 1988 Regulations would fall outside the scope of the Measuring Equipment (Capacity Measures and Testing Equipment) Regulations.

7.7 Regulation 3(1)(a) of the Measuring Equipment (Capacity Measures and Testing Equipment) Regulations 1995 would also be amended to ensure there would be no unintended prescription of the few remaining instruments in use which were placed on the market under the 1988 Regulations

8. What happens next?

8.1 This consultation will close on Friday 30 January 2015. The Government will publish its response as soon as possible thereafter and within 6 weeks of the consultation closing. We are aiming to lay draft regulations before Parliament in February 2015 with the regulations coming into force with immediate effect for CSMs and on 1 December 2015 for 'old approach' measuring instruments and methods of metrological control.

Annex A: Consultation principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<http://www.cabinetoffice.gov.uk/sites/default/files/resources/Consultation-Principles.pdf>

Comments or complaints on the conduct of this consultation

If you wish to comment on the conduct of this consultation or make a complaint about the way this consultation has been conducted, please write to:

Angela Rabess,
BIS Consultation Co-ordinator,
1 Victoria Street,
London
SW1H 0ET

Telephone Angela on 020 7215 1661
or e-mail to: angela.rabess@bis.gsi.gov.uk

However if you wish to comment on the specific policy proposals you should contact the policy lead (see section 5).

Annex B: List of consultation questions

Question 1: Do you consider that there are any provisions which do not work or are unclear?

Question 2: Do you have any comments on the draft legislation?

Question 3: Do you have any comment on the proposed revocation of the Capacity Serving Measures (Intoxicating Liquor) Regulations 1988 (as amended)?

Question 4: Do you have any comments on the proposed revocation of the national regulations implementing all of the “old approach” directives on metrology including the seven under this proposal and where such instruments are regulated on the UK market that all in-service control will be removed after November 2025?

Question 5: Have you any evidence that measuring instruments controlled by the regulations transposing the seven “old approach” EEC Directives are still commercially active?

Question 6: Do you agree with the proposal to remove specific references to Directive 74/148/EEC for above medium accuracy weights in the Non-automatic Weighing Instruments Regulations 2000 and the Non-automatic Weighing Machines Regulations 2000 from December 2015?

Question 7: Do you prefer that references for above medium accuracy weights under Directive 74/148/EEC referred to in Q6 are only replaced after 30 November 2025 when the transition period ceases?

Annex C: List of Individuals/Organisations consulted

A & D Instruments Ltd
ABB Ltd
Aeroplas (UK) Ltd
Alpeco Ltd
Arc International Tableware (UK) Ltd
ArjoHuntleigh UK
Association of Licensed Multiple Retailers
Automobile Association
Autoweigh Scales (UK) Ltd
Avery Berkel
Avery Weigh-Tronix
Barr and Grosvenor Ltd
BB Plastics
Beaumont TM Ltd
Bizerba (UK) Ltd
British Beer & Pub Association
British Glass Manufacturers' Confederation
British Hospitality Association
Chartered Institution of Waste Management
Citizens Advice Bureau
Confederation of British Industry
Consumer Focus Wales
Convention of Scottish Local Authorities
Dresser
Elster Jeavons Limited
Elster Metering Systems
Energy Utilities Alliance
Express Moulds
Fisco Tools Ltd
Forecourt Equipment Federation
Garage Equipment Association
Gardner Denver UK Ltd
George Wilson Industries Ltd
Gilbarco Veeder-Root UK
Grain & Feed Trade Association
Ian Fellows Ltd
Itron Metering Solutions Ltd UK
John Artis Ltd
Kromschroeder
Landis + Gyr Ltd
Local Government Association
Maidment Ltd
Marel Ltd
Marsden Weighing Machines Ltd
Maynewood Systems
Mechtronic Ltd
Mitchell & Cooper
MWS Ltd
National Farmers Union
Northern Ireland Assembly
Northern Ireland Local Government Association
Northern Ireland Office
OCS Checkweighers Ltd
Ofgem
Petrol Retailers Association
Plastico
Pneumatic Components Ltd
Precia-Molen UK Ltd
Precisa Ltd
Pumptronics
RDS Technology Ltd
Sealed Air Dolphin
Sensus Metering Systems Ltd
Stanley Black and Decker UK Ltd
Stevenson Reeves Ltd
Scottish Consumer Council
Scottish Government
Scottish Licensed Trade Association
Scotland Office
SGS
Society of British Water & Wastewater Industries
Tokheim UK Ltd
Trading Standards Institute
UK Metering
United Kingdom Weighing Federation
UREGNI
Utopia Tableware Ltd
Wales Office
Welsh Assembly Government
Welsh Local Government Association
Wine And Spirit Trade Association
Wayne A GE Company DI UK Ltd

Annex D: The Weights and Measures (Revocations) Regulations response form

The Department may, in accordance with the Code of Practice on Access to Government Information, make available, on public request, individual responses.

The closing date for this consultation is Monday 12 January 2015.

Name:

Organisation (if applicable):

Address:

Please return completed forms to:

Robert Harper

National Measurement Office

Stanton Avenue

Teddington

TW11 0JZ

Telephone: 020 8943 7255

Email: robert.harper@nmo.gov.uk

Please select a box from a list of options below that best describes you as a respondent.

<input type="checkbox"/>	Business representative organisation/trade body
<input type="checkbox"/>	Central government
<input type="checkbox"/>	Charity or social enterprise
<input type="checkbox"/>	Individual
<input type="checkbox"/>	Large business (over 250 staff)
<input type="checkbox"/>	Legal representative
<input type="checkbox"/>	Local Government
<input type="checkbox"/>	Medium business (50 to 250 staff)
<input type="checkbox"/>	Micro business (up to 9 staff)
<input type="checkbox"/>	Small business (10 to 49 staff)
<input type="checkbox"/>	Trade union or staff association
<input type="checkbox"/>	Other (please describe)

Question 1: Do you consider that there are any provisions which do not work or are unclear?

Yes

No

If 'yes', please explain your reasons.

Question 2: Do you have any comments on the draft regulations?

Yes

No

If 'yes', please provide details.

Question 3: Do you have any comment on the proposed revocation of the Capacity Serving Measures (Intoxicating Liquor) Regulations 1988 (as amended)?

Yes

No

If 'no' please provide objective evidence of detriment as this is a measure which has been considered under the Governments 'Red tape challenge' as suitable for reducing the stock of legislation.

Question 4: Do you have any comments on the proposed revocation of the national regulations implementing all of the "old approach" directives on metrology including the seven under this proposal and where such instruments are regulated on the UK market that all in-service control will be removed after November 2025?

Yes

No

If 'no', please provide details below.

Question 5: Have you any evidence that measuring instruments controlled by the regulations transposing the seven "old approach" EEC Directives are still commercially active?

Yes

No

If 'no', please provide details below.

Question 6: Do you agree with the proposal to remove specific references to Directive 74/148/EEC for above medium accuracy weights in the Non-automatic Weighing Instruments Regulations 2000 and the Non-automatic Weighing Machines Regulations 2000 from December 2015?

Yes

No

If 'no', please provide details below.

Question 7: Do you prefer that for above medium accuracy weights referred to in Q6 are only replaced after the 30 November 2025 when the transition period ceases?

Yes

No

If 'yes', please provide details below.

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply

At BIS we carry out our research on many different topics and consultations. As your views are valuable to us, would it be okay if we were to contact you again from time to time either for research or to send through consultation documents?

Yes

No

Annex E: The draft Weights and Measures (Revocations) Regulations 2015

Please go to the Government Consultation page at .gov.uk here:
<http://www.gov.uk/government/consultations/weights-and->

[measures-revocations-regulations-2015](#) for a copy of the draft
Weights and Measures (Revocations) Regulations 2015.

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