

15 December 2008

NOTE FOR MANUFACTURERS, INSTALLERS AND REPAIRERS APPLYING TO EXTEND THEIR SCOPE TO 'ADJUST' FOLLOWING THE LRO 2008

FOREWORD

The Legislative Reform Order 2008 (Verification of Weighing & Measuring Equipment) came into force on the 19 December 2008.

The purpose of the Order is to amend the Weights & Measure Act 1985 in order to permit the verification of prescribed equipment by approved verifiers after the activity of adjustment.

INTRODUCTION

This guidance has been prepared to help explain how the Legislative Reform Order will impact on Approved Verifiers that manufacture, install or repair prescribed equipment. The Secretary of State has an application process to appoint Approved Verifiers to verify equipment which they have manufactured, installed or repaired. Under the Weights & Measures Act 1985 Approved Verifiers were restricted by provisions in section 11A of the 1985 Act, as inserted by the 1999 Order. This permitted subsequent verification only after approved verifiers have manufactured, installed or repaired equipment. The Act did not allow for verification of equipment which had been subject to adjustment. The subsequent Legislative Reform Order 2008 now permits the verification of equipment by approved verifiers after adjustment.

Approved Verifiers in possession of an approval issued by the Secretary of State, may conduct their own testing, passing and stamping (verification) of weighing and measuring equipment which they manufacture, install, **adjust** or repair, as the case may be, as fit for use for trade, which previously under section 11 of the 1985 Act had been required to be verified by an inspector of weights & measures (Annex A, definition of 'Repair' and 'Adjust')

HOW TO APPLY

To take advantage of this new provision existing approved verifiers must apply to the Secretary of State (NWML) to extend their scope of approval to include the activity of adjustment. In most cases this should be a simple administrative extension to existing paperwork. New applicants should complete the application process contained in the Guidance Notes dated 15 December 2008.

NWML will require the applicant to demonstrate the following:

- I. Quality system contains procedures to cover whole system checks after adjustment i.e. checks are carried out on all the elements subject to legal metrological control that make up the system, not just the adjustment process e.g. full compliance with the type approval certificate, appropriate grade recognition, price computing etc.
- II. Quality system contains procedures to cover independence i.e. no undue influence is placed on the engineers carrying out an adjustment. This may be achieved in a number of ways; examples include clear training on how to deal with questions from owners of instruments about the adjustment process or perhaps a standard response to owners

who attempt to interfere with the normal adjustment process. There must also be a system to report incidents of undue influence e.g. reporting procedure or annual survey. The Secretary of State may in the future ask to see the results outputs of any such procedures to address the concerns a number of parties had in the consultation stage of the Legislative Reform Order.

- III. Quality system provides a method for recording the reason for making the adjustment that is traceable e.g. for a fuel dispenser that is being adjusted the result of the measurement which gave rise to the adjustment should be recorded as well as the result of the verification.

To extend your scope of approval to cover adjustment please apply to NWML by email. On receipt of your application the Enforcement team will send an acknowledgement of your application and a cost estimate. NWML will then request the relevant amendments to your existing quality system for consideration. To discuss the application process further please contact Suzanne Jones on (+44) 020 8943 7261 or email Suzanne.jones@nwml.gov.uk.

ANNEX A

VERIFICATION BY APPROVED VERIFIERS AFTER THE ACTIVITY OF REPAIR OR ADJUSTMENT AS PERMITTED BY THE WEIGHTS AND MEASURES ACT 1985 AS AMENDED BY THE DEREGULATION (WEIGHTS AND MEASURES) ORDER 1999 AND THE LEGISLATIVE REFORM (VERIFICATION OF WEIGHING AND MEASURING EQUIPMENT) ORDER 2008 (S.I. 2008 NO TBA)

'Repair', for the purposes of the above legislation, includes work carried out by the approved verifier conducted on weighing and measuring equipment to correct errors in accuracy performance which exceed the maximum permissible errors prescribed in the relevant Regulations. For example, if a service engineer were to test a petrol pump and find the delivery error for deliveries above 2 litres to be greater than 1% of the purported delivery (that is, in excess of the prescribed requirements), then it would be considered a repair if the service engineer were to carry out some work on the pump to reduce the error to below that specified (in relation to passing as fit for use for trade) within the Measuring Equipment (Liquid Fuel and Lubricant) Regulations 1995; this activity would bring the equipment back within the limits of error permitted by the legislation. Such an activity, if conducted by an approved verifier whose approval so permits, would qualify for verification (testing, passing as fit for use for trade and stamping with the prescribed stamp) by the approved verifier.

'Adjust', in this context refers to the activity of 'adjustment' carried out by the approved verifier. That is, the activity of carrying out work on weighing and measuring equipment which cannot be described as 'repair', because the equipment is not 'broken' or non-compliant with statutory requirements, but which may nevertheless affect its metrological characteristics – in particular, work which is done to reduce any error in accuracy performance when the equipment already complies with the requirements prescribed within the relevant Regulations for the equipment. Approved verifiers are now permitted to conduct the verification of equipment which has only been 'adjusted'. However, existing approved verifiers will need to apply to NWML to have the scope of their approvals extended to cover the activity of adjustment before taking advantage of this new provision.