



National
Measurement
Office

WEIGHTS AND MEASURES

The Measuring Instruments (Amendment) Regulations 2010

Guidance on Regulation

Version 1 – February 2011

This publication was withdrawn on 7 January 2021.

SUMMARY

Introduction:	This document provides guidance on the Measuring Instruments (Amendment) Regulations 2010.
Intended audience:	<p>This guidance is recommended for use by businesses i.e. manufacturers, notified bodies, retailers, small businesses and trade associations.</p> <p>It may also be of interest to the third sector and enforcement authorities.</p>
Regional coverage:	United Kingdom
Legal status:	<p>Following this guidance will normally be enough for your organisation to meet its legal obligations, although it is not in itself obligatory.</p> <p>Where there is an explicit legal requirement under the Measuring Instruments (Amendment) Regulations 2010, it is indicated in this guidance by the term 'must be'. Other advice in this guidance provides information – it is not in itself a new legal requirement.</p> <p>If required, further guidance on how to comply with the law is available free of charge from your local trading standards department @: http://www.tradingstandards.gov.uk/advice/index.cfm - simply type in your postcode and press 'go'.</p>
Purpose:	The guidance summarises the requirements of the Measuring (Amendment) Regulations 2010.

FOREWORD

1. This guidance is addressed to organisations that are required to comply with weights and measures law (including gas and electricity meter legislation). Although reference is made to existing legal obligations, following the guidance is not in itself obligatory. However, if you do follow it you will normally be doing enough to help your organisation meet its legal obligations.

2. However, for further guidance on how to comply with the law, you can contact your local trading standards department, who provide this service free of charge: <http://www.tradingstandards.gov.uk/advice/index.cfm> - simply type in your postcode and press 'go'.

3. This guidance is compliant with the eight rules of good guidance in the Code of Practice on Guidance on Regulation which can be found on the website of the Department for Business, Innovation and Skills at the following link <http://www.bis.gov.uk/files/file53268.pdf>.

4. This guidance is available electronically via the following link to the NMO website: <http://www.nmo.bis.gov.uk/legislation.aspx> and when finalised at www.businesslink.gov.uk/. You may make copies of this document without seeking permission.

5. If you wish to comment on the guidance or report any inaccuracies, inconsistencies or lack of clarity in the guidance please contact registry@nmo.gov.uk. We will endeavour to resolve issues of inconsistent guidance or regulatory conflicts within 90 days. Updated guidance will be issued as appropriate.

6. This guidance will be reviewed in 2016.

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ENQUIRIES

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DOCUMENT HISTORY

Version / Date of change	Sections affected
Version 1	First issue February 2011

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GUIDANCE FOR BUSINESSES ON UK IMPLEMENTATION OF A EUROPEAN DIRECTIVE PREVENTING EXPLOITATION OF MAXIMUM PERMISSIBLE ERRORS ON FLOW MEASURING INSTRUMENTS

Introduction

1. This guidance has been produced by the National Measurement Office, an Executive Agency of the Department for Business, Innovation and Skills, and is intended for businesses i.e. manufacturers, notified bodies, retailers, small businesses and trade associations. It may also be of interest to the third sector and enforcement authorities.

2. This guidance follows the transposition of a new law which implements European Directive 2009/137/EC amending Directive 2004/22/EC of the European Parliament and of the Council on measuring instruments in respect of exploitation of the maximum permissible errors, as regards the instrument-specific annexes MI-001 to MI-005. Directive 2009/137/EC ("the MID Amendment Directive") has been implemented into UK law by the Measuring Instruments (Amendment) Regulations 2010 (the MID Amendment Regulations), SI 2010/2881, which have been made and come into force on 1 June 2011.

The Regulations

3. The new law amends the essential requirements of the Regulations implementing Directive 2004/22/EC in respect of annexes MI-001 to MI-005 ("the MID flow Regulations"), which are as follows:

- The Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006
- The Measuring Instruments (Cold-water Meters) Regulations 2006
- The Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations 2006
- The Measuring Instruments (Active Electrical Energy Meters) Regulations 2006¹
- The Measuring Instruments (Gas Meters) Regulations 2006², and
- The Measuring Instruments (Non-Prescribed Instruments) Regulations 2006 in respect of the following flow measuring instruments that are not regulated in the UK:
 - water meters (not covered by the Cold-water Meters Regulations listed above)
 - measuring systems for the measurement of liquids other than water (not covered by the Regulations on Liquid Fuel and Lubricants or Liquid Fuel delivered from Road Tankers listed above)
 - heat meters
 - volume conversion devices for gas meters

4. The amendment applies to instruments measuring gas, electricity, water, heat, liquids other than water, and volume conversion devices for gas meters ("flow measuring instruments"). The amendment ensures that flow measuring instruments are set as closely as possible to zero for placing on the market and putting into use with the aim of preventing

¹"the 2006 Electricity Meter Regulations"

²"the 2006 Gas Meter Regulations"

short measure from within the given tolerances. The implementing legislation has the same scope as the MID Amendment Directive.

The changes to the law

5.1 The main change to the law from 1 June 2011 will be to provide that flow measuring instruments must be set as accurately as possible i.e. as closely as possible to zero for placing on the market and putting into use (achieved by copying out the MID Amendment Directive and replacing the existing unclear requirement in the 2006 Gas Meter Regulations)

5.2 Other changes to the law are:

5.2.1 to provide a clear indication of what each class of meter is in the Regulations for Gas Meters and Electricity Meters

5.2.2 to correct a typographical error and consequential omission in the 2006 Gas Meter Regulations.

How the main change to the law affects businesses

Flow Measuring Instruments - Regulations 2, 3, 4, 5, 6(b) and 7(c)

6. Flow measuring instruments must be set as accurately as possible i.e. as closely as possible to zero for placing on the market and putting into use.

How the other changes to the law affect businesses

Electricity Meters - Regulation 6(a)

7. Businesses concerned with electricity meters for use for trade must be aware that definitions of Classes A, B and C in relation to a relevant instrument have been added to the 2006 Electricity Meter Regulations (Schedule 1, paragraph 2). The definitions are necessary for the enforcement of paragraph 19 of Schedule 1 of the 2006 Electricity Meter Regulations (in line with a corresponding amendment to the 2006 Gas Meter Regulations which is explained at paragraph 8.1 below).

Gas Meters - Regulation 7(a)(i)

8. Businesses concerned with gas meters for use for trade must be aware of the following changes to the law:

8.1 Definitions of a Class 1.0 and a Class 1.5 relevant instrument have been added to the 2006 Gas Meter Regulations (in Schedule 1, paragraph 2). The amendment meets a requirement of the Joint Committee on Statutory Instruments which, when the MID was implemented in 2006, reported the 2006 Gas Meter Regulations for defective drafting on the basis that those Regulations did not provide a definition of what each class of meter is. The definitions are necessary for the enforcement of paragraph 18 of Schedule 1 of the 2006 Gas Meter Regulations.

Regulation 7(a)(ii)

8.2. Regulation 7(a)(ii) of the MID Amendment Regulations amends the original definition of "overload flowrate" in the 2006 Gas Meter Regulations to include "Qr" in brackets, so the full version of the definition now reads as follows:

“overload flowrate” (“Qr”) means the highest flowrate at which the relevant instrument operates for a short period of time without deteriorating;’

For the original definition of ‘overload flowrate’ into which the abbreviation ‘(“Qr”)’ has now been inserted, the 2006 Gas Meters Regulations should be consulted (at Schedule 1, paragraph 2).

Regulation 7(b)

8.3 “Qr” replaces “Qt” (a typographical error) in the heading in the far right hand column of Table 2 (in paragraph 12 of Schedule 1).

Enforcement

9. The MID Amendment Regulations are corrective and a simplifying measure to ensure that the original policy intention of providing clarity in the MID flow Regulations is achieved in each case. Accordingly, new guidance about definitions of classes of gas and electricity meters which relates to enforcement is provided above – see paragraphs 7 and 8.1. The remaining guidance on enforcement remains unchanged.

Background to the changes

10. The UK needed to introduce these changes to existing law in order to implement a new European Directive - the MID Amendment Directive - which was agreed on 10 November 2009 and entered into force on 1 December 2009.

11. The changes were prompted in the first place by industry concerns that the existing law regarding the spread of errors within the maximum permissible errors for gas meters was unclear and that the legal position required clarification.

What this means in practical terms for businesses and consumers

12. The MID Amendment Regulations make the following practical improvements for business:

- Legislative clarity is provided for business so less time and money should be spent attempting to understand the Regulations
 - A potential barrier to trade in relation to gas meters has been removed whereby a Member State (MS) might not accept meters based on test results accepted in another MS
 - Potential fraud i.e. instruments being systematically set to the minimum of the permitted legal tolerance (maximum permitted error) is prevented
- A potentially lower level of consumer protection is prevented

Applicability

13. The MID Amendment Directive is being implemented in the United Kingdom (UK) by the MID Amendment Regulations which apply to flow measuring instruments across the UK, including Northern Ireland. The changes do not affect Part III “Use for Trade” of the MID flow Regulations and therefore Northern Ireland’s MID (use for trade) Regulations will not need to be amended.

Copies of legislation

14. The MID Amendment Directive can be accessed at:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:294:0007:0009:EN:PDF>

15. A copy of the UK implementing legislation is available from the Legislation website, as follows:
<http://www.legislation.gov.uk/ukxi/2010/2881/made/data.pdf>.

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