

REGULATIONS

S.I. No. 207 of 2006

entitled

Legal Metrology (Type Approval) Regulations 2006

(PRN. A6/0648)

I Patrick Farragher, Director of Legal Metrology, in exercise of the powers conferred on me by sections 14 and 16 of the Metrology Act 1996 hereby make the following regulations:

Citation

- 1 These Regulations may be cited as the Legal Metrology (Type Approval) Regulations 2006.

Interpretation

- 2 In these Regulations -

“Act” means the Metrology Act 1996 (No. 27 of 1996);

“competent authority of an EEA Member State” means an authority in an EEA Member State responsible for examination and evaluation of instruments in that state and which operates or applies systems which conform with the criteria of IS EN ISO 17025:2005 or an equivalent standard;

“EEA agreement” means the Agreement on the European Economic Area signed in Oporto on 2 May 1992 as adjusted by the protocol signed at Brussels on 17 March 1993;

“EEA Member State” means a State which is a contracting party to the EEA agreement;

“EEC initial verification marks” has the meaning given to it in Regulation 5 (1) of the European Communities (Measuring Instruments) Regulations 1973 (S.I. No. 67 of 1973);

“EEC pattern approval symbols” has the meaning given to it in Regulation 5(2) of the European Communities (Measuring Instruments) Regulations 1973;

“OIML” means the International Organisation for Legal Metrology (Organisation Internationale de Metrologie Legale) established by the Convention establishing an International Organisation for Legal Metrology, done at Paris on 12 October 1955.

Application

- 3 (1) Types of the following instruments, when they are intended to be used for the purpose of trade, are subject to the conformity assessment procedures to which these Regulations refer:
- (a) measuring systems incorporating a flowmeter measuring volume of milk or liquid fuel;
 - (b) measuring systems incorporating a mass flowmeter for measuring liquid dairy products;
 - (c) automatic catchweighing instruments including checkweighers, weigh price labellers and price labellers;
 - (d) continuous totalising weighing instruments;
 - (e) discontinuous totalising weighing instruments;
 - (f) automatic gravimetric filling instruments;
 - (g) taximeter systems;
 - (h) intoxicating liquor dispensers.
- (2) Notwithstanding paragraph (1), instruments referred to in that paragraph that bear an EEC pattern approval symbol or an EEC initial verification mark are not subject to the conformity procedures to which these Regulations refer.

- (3) The conformity assessment procedures set out in these Regulations relate to type approval of instruments with regard to the metrological and technical aspects of the instruments when used for the purpose of trade only and do not necessarily comprise procedures or requirements that may be necessary to test other aspects of the fitness for purpose of such instrument types generally.
- (4) The grant of a certificate of approval under these Regulations in respect of any instrument is without prejudice to any requirement to obtain any other certification or approval before the instrument in question may be used, marketed or sold.

Approval procedures

- 4 (1) (a) Where a manufacturer of an instrument intends that it shall be used for the purpose of trade, he she or his or her agent shall apply to the Director for type approval of the instrument.
- (b) Before the Director grants type approval of an instrument he or she shall be satisfied, having regard to-
 - (i) its principles and features of operation,
 - (ii) its materials of construction, and
 - (iii) any other matter that the Director considers appropriate,that it does not facilitate fraud and that it is fit for the purpose for which it is intended.
- (c) In carrying out the examination required for type approval of an instrument, the Director shall have regard, where applicable, to European Standards containing performance requirements for the

instrument concerned or Recommendations issued by OIML or both of them if appropriate.

- (2) The manufacturer or his agent shall make the application referred to at paragraph (1) in writing and shall provide such documents, information or assistance as the Director, or any person authorised by him or her in that regard, requires.
- (3) Before the Director grants type approval of an instrument, he or she shall be satisfied that an instrument, in relation to which an application is made, shall conform to the maximum permissible errors specified in the Schedule.
- (4) (a) Where, following the examination and evaluation required for the purposes of type approval, the Director is satisfied that the instrument does not facilitate fraud, is fit for the purpose for which it is intended and conforms to the maximum permissible errors specified in the Schedule, he or she shall -
 - (i) grant a certificate of approval, or
 - (ii) in respect of an application to which paragraph (12) refers, amend an existing certificate of approval, which certificate shall bear a unique number or other reference in relation to the instrument to which the application refers.
- (b) A certificate to which subparagraph (a) refers may be granted or amended, as the case may be, subject to such conditions or for such a period as the Director considers appropriate.
- (5) (a) Where, following the examination and evaluation for the purposes of type approval the Director is not satisfied that the instrument does not facilitate fraud, is fit for the purpose for which it is intended, or conforms to the maximum permissible errors specified in the Schedule, he or she shall notify the applicant of his or her intention to refuse to

grant a certificate of approval and the reasons for it and shall give the applicant a period of not less than 21 days in which to make further submissions and representations to him or to withdraw the application.

- (b) If the applicant does not make the submissions and representations within 21 days of receiving the notification the application shall be taken to have been withdrawn.
- (6) Where an instrument has already been certified by the competent authority of an EEA Member State the Director shall recognise test results and reports issued or taken into account by that authority in the course of its metrological examination of the instrument and shall not require the production of any other test results or reports for the purpose of considering the performance and fitness for purpose of the instrument in question.
- (7) Every certificate of approval which was granted by the Director in respect of an instrument after the establishment day and before these Regulations come into operation (including any modification made during that period to a certificate granted immediately before the establishment date and to which section 14 (3) of the Act applies) shall be taken to be and be treated for all purposes as if it were a certificate granted under paragraph (4) and shall continue to be valid for a period of 10 years from the date of its grant or until the date of the expiry of the period of validity specified in the certificate, whichever is the earlier, unless revoked by the Director prior to the expiry of that period.
- (8) Where no period of validity is mentioned in a certificate granted under paragraph (4), that certificate shall be valid for a period of 10 years from the date of its grant, unless revoked by the Director prior to the expiry of that period.

- (9) Where, at any time following the grant of a certificate, which is granted or taken to be granted under paragraph (4), or the validity of which is continued by section 14(3) of the Act, the Director ceases to be satisfied as to the matters which led him or her to decide to grant a certificate of approval in respect of the instrument, the Director may, following consultation with such persons as he thinks fit, revoke the certificate.
- (10) (a) Where the Director intends to revoke a certificate of approval for an instrument, he or she shall notify the holder of the certificate of his or her intention and the reasons for it and shall give the holder a period of not less than 21 days to make further submissions or representations to him on the intended revocation
- (b) When the Director revokes a certificate, a notice to that effect shall be drawn up and published by the Director.
- (11) Nothing in paragraph (9) and (10) shall require the taking out of use of an instrument in use at the time of the revocation of a certificate that applies to the instrument unless the Director has determined that it should be taken out of service and so directs in the notice of revocation.
- (12) Where a modification or non-technical change is made to an instrument in respect of which a certificate has been granted or taken to have been granted under paragraph (4), or the validity of which is continued by section 14 (3) of the Act, the manufacturer or his or her agent shall apply to the Director for type approval of the instrument as so modified or changed and these Regulations shall apply to that application as appropriate.
- (13) Provided that he or she remains satisfied as to the matters that led him or her to decide to grant a certificate of approval in respect of an instrument, the Director may renew a certificate granted or taken to be granted under paragraph (4) for such further period, to run from the expiry of the certificate, as he or she considers appropriate, upon request for that purpose made in

writing by the manufacturer or his agent, subject to the provisions of paragraphs (4) and (8).

- (14) An instrument of a type which is the subject of a certificate granted or taken to be granted under paragraph (4) shall be marked in accordance with the conditions and requirements of the certificate and so as to identify it with the type to which the certificate relates.
- (15) Any reference in this Regulation to a certificate includes, where the context admits, a reference to an amended certificate.

Schedule

Regulation 4 (3)

Maximum permissible errors allowed on type approval

- (1) For measuring systems incorporating a flowmeter measuring volume for milk or liquid fuel the errors relating to type approval as specified in OIML Recommendation R 117, edition 1995 apply.
- (2) For measuring systems incorporating a mass flowmeter for the measurement of liquid dairy products the errors relating to type approval as specified in OIML Recommendation R 105, edition 1993 apply.
- (3) For automatic catchweighing instruments including checkweighers, weigh price labellers and price labellers the errors relating to type approval as specified in OIML Recommendation R 51-1, edition 1996 apply.
- (4) For continuous totalising weighing instruments the errors relating to type approval as specified in OIML Recommendation 50-1, edition 2004 apply.
- (5) For discontinuous totalising weighing instruments the errors relating to type approval as specified in OIML Recommendation 107-1, edition 1997 apply.
- (6) For automatic gravimetric filling instruments the errors relating to type approval as specified in OIML Recommendation R 61-1, edition 2004 apply.
- (7) For taximeter systems the errors relating to type approval as specified in I.S. EN 50148: 1996 apply.
- (8) For intoxicating liquor dispensers an overall error of 0 to 5% in excess applies.

Given under my hand

_____ 2006

Director of Legal Metrology

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations are made under sections 14 and 16 of the Metrology Act 1996 (No. 27 of 1996). Section 14 provides for conformity assessment procedures to be prescribed by the Director of Legal Metrology for instruments used in trade. These Regulations confirm and restate in a single statutory source the procedures for granting of type approval for measuring instruments comprising examination and evaluation of an instrument-type and the granting of a certificate for its use on the Irish market (Regulation 4). Section 16 provides that Regulations may be made by the Director for marking of instruments (Regulation 4(14)).

Recognition is also given to equivalent procedures operated by other EEA Member States for the control of the same categories of measuring instruments (Regulation 3(3)). The rules followed in the assessment are those established in internationally agreed documents, i.e. Recommendations of the International Organisation of Legal Metrology (OIML) or European Standards, where applicable Regulation 4(1) and Schedule.

The Regulations come into effect on 26 April 2006.

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