



Regulated purposes and Re-qualification

15th November 2023

Introduction

- Many UKWF members are aware of the notion of “trade use” and that weighing instruments that are used for trade have different legal requirements to those that are not.
- Members are also aware that if an instrument used for trade and is repaired it should undergo a re-qualification (sometimes called a re-verification)
- This presentation will look at the meaning of “trade use”
- Will look at the requirements around re-qualification
- Will look at the differences between automatic and non-automatic weighing instruments

“Trade Use”

- This is a term that is commonly used to describe the circumstances when a weighing instruments must have a type examination and be verified before it can be used for trade.
- The verification can either be done by Weights and Measures Inspector or a manufacturer that has a module D approval.
- The legal meaning of “Trade use” is in the Weights and Measures Act 1985 (S7) - This applies to automatic weighing instruments.
- The meaning of “trade use” for Non-automatic weighing instruments is much broader and covers many more uses than just trade use

Regulated Purposes – Regulation 3 of the Non-automatic Weighing Instruments Regulations 2016



- Determination of mass for commercial transactions.
- Determination of mass for the calculation of a toll, tariff, tax bonus, penalty, remuneration , indemnity or similar type of payment.
- Determination of mass for the application of laws or regulations or for an expert opinion given in court proceedings.
- Determination of mass in the practice of medicine for weighing patients for the purposes of monitoring, diagnosis and medical treatment.
- 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.
- Determination of process on the basis of mass for the purposes of direct sales to the public and making up of pre- packages

Determination of mass for commercial transactions

- This is the application that we will most often see in our day-to day work
- Traditional buying and selling by weight between consumers and traders and business to business transactions it will include such things as jewellers, scrap metal merchants, and post office scales
- It would also include the situation of a client using an instrument to check the quantity of a product from a supplier, in the event of a discrepancy between the customers weights and the supplier's weights the customers scale is used to determine the final weight.

Determination of mass for the calculation of a toll, tariff, tax, bonus, penalty, remuneration, indemnity or similar type of payment

- This would include any weighing equipment that is used to determine a fee such as the scale that may be used to weigh lorries on to ferries or waste going to landfill.
- It could also include such things as instruments used to determine the wages for workers picking fruit in the fields or butchering of carcasses in an abattoir.
- Possible that this could include the instruments at airports used to determine the tax for overweight bags at airport

Determination of mass for the calculation of a toll, tariff, tax, bonus, penalty, remuneration, indemnity or similar type of payment

- This would include any weighing equipment that is used to determine a prosecution or court actions – instruments used by the Police or by Border Force
- Would include instruments in a morgue that may be used in the production of a coroner's report
- SOLAS (Safety if life at Sea)- Instruments used for this would need to be stamped
- It is probably most effective if we interpret this sentence as “ application of laws” by an authority
- Would probably not include instruments used by businesses to aid compliance – Post Office Post Bags

Determination of mass for the calculation of a toll, tariff, tax, bonus, penalty, remuneration, indemnity or similar type of payment

- Relatively easy to understand
- This covers a wide range of instruments that can be found in all aspects of medicine and medical treatment. The weighing does not need to be completed by a medical practitioner.
- These instruments will also be covered by the Medical Devices Regulations 2017/745.
- They will invariably be found in hospitals but also doctor's surgeries and use in the community by such people as midwives and health visitors
- Will also include balances and instruments used in medical and pharmaceutical analysis

Determination of price on the basis of mass for the purposes of direct sales to the public and the making up of pre-packages

- This is important as it includes non-automatic weighing instruments used for the purposes of creating records under the Packaged Goods Regulations 2006
- Any of the instruments that are being used to check the weight of packages and record weights for the demonstrating to an Inspector that sufficient checks are being carried out must:
 - Have a type examination certificates
 - Be initially verified

What is re-qualification

- A non-automatic weighing instrument will be placed on the market or put into service once in its lifetime during which it may be subject to adjustment, alteration, addition, repair or replacement a for range of reasons.
- If any of these procedures result in it being **likely** that the instrument has ceased to be compliant with the essential requirements
- It is probable that it will need to be re-qualified before it can be used for one of the regulated purposes.

What is re-qualification

A useful rule:

- If after any alteration, adjustment, addition repair or replacement
- You think that an Inspector of Weights and Measures **may** reject an instrument
- You should re-qualify it
- The instrument does not have to bear an obliteration mark from an Inspector to make the re-qualification necessary

The process of re-qualification (1)

- Unlike initial verification it is not obligatory that you follow all of the procedures in EN45501
- It is required to ensure that instrument is brought back into compliance with the essential requirements
- This will depend upon what has been done to the instrument that necessitates the re-qualification
- It may not necessitate a full metrological test
- Regulation 68(5) of the Non-automatic Weighing Instruments Regulations 2016

The process of re-qualification (2)

- If for example there has been a software update it could be permissible to confirm the update has not affected the metrology
- This can be done by applying a load and checking that any data is maintained accurately
- Must remember that any procedure that you undertake as a re-qualification is a legal procedure- however short
- All of the documentation you produce and the stickers you apply must reflect this

The process of re-qualification (3)

- Example of removing the seal on a weighbridge junction box
- Seal has been removed to clean the junction box
- Would not need to undertake a metrological test in this scenario-but when the junction box is resealed it would need to be recorded as a re-verification and a crown sticker applied
- If any alterations were made in the junction box- (a cable tightened) – there would need to be some sort of metrological test



- Any questions ?