



National
Measurement
Office

WEIGHTS AND MEASURES

Approved Verification Guidance

**The Deregulation (Weights and Measures)
Order 1999 and the Legislative Reform
(Verification of Weighing and Measuring
Equipment) Order 2008
(S.I. 1999 no 503 and S.I. 2008 No 3262)**

Guidance on Regulation

July 2013

Version 11



National
Measurement
Office



Department
for Business
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This guidance is addressed to organisations that are required to comply with weights and measures law. 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.

Ultimately, only the courts can provide a definitive interpretation of the law. 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: www.tradingstandards.gov.uk - simply type in your postcode and press “go”.

This guidance complies with the Government Code of Practice on Guidance and will be reviewed in October 2016

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Version / Date of change	Sections affected
Issue 1 / March 1999	First issued
Issue 2 / October 1999	Updated to include Annex A, definitions of 'repair' and 'adjust'
Issue 3 / March 2004	Updated after the implementation of the Measuring Instruments Directive (2004/22/EC) and the making of certain changes to the Non-automatic Weighing Instruments Regulations 2000 (by S.I. 2008/738)
Issue 4 / May 2007	Updated with a change of contact details
Issue 5 / June 2007	Updated with a change of contact details
Issue 6 / December 2008	Updated when the Legislative Reform Order was made
Version 7 / March 2010	Updated to comply with the Code of Practice on Guidance issued October 2009 by the Better Regulation Executive, BIS
Version 8 / May 2011	Updated to remove the option of audit directly by the Secretary of State and at the same time as an organisation submits its application to an ACB, the applicant body shall send copies of both forms plus approved verification application form completed to the Secretary of State. Also revised approved verification application form included at the end of the document.
Version 9 / June 2011	Clarification of the requirements for installers/repairers (Part B, section 12, page 12) to align with the guidance on approved verification application form.
Version 10 / July 2013	Further clarification of the requirements for installers/repairers (Part B, section 12, page 12).
Version 11 / July 2013	ACB recommendation explained in more detail and addition of approved verification application flow chart.

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Health and Safety at Work Act 1974

1 Nothing in these Notes for Guidance should be construed as overriding, amending or deferring safety regulations and requirements issued by the Health and Safety Executive (in Northern Ireland the Health and Safety Executive for Northern Ireland), in connection with the conduct of persons and the condition and use of machinery and equipment on any premises.

Introduction

2 These Notes were originally prepared to help explain the amendments to the Weights and Measures Act 1985 (the 1985 Act) introduced by The Deregulation (Weights and Measures) Order 1999 (the 1999 Order). They have been updated to reflect subsequent legislative changes, notably the implementation of the Measuring Instruments Directive (2004/22/EC), the making of certain changes to the Non-automatic Weighing Instruments Regulations 2000 (by S.I. 2008/738) and the further amendment of the 1985 Act by the Legislative Reform (Verification of Weighing and Measuring Equipment) Order 2008 (the 2008 Order), in accordance with the 'Code of Practice on Guidance on Regulation' and the 'Guide to the Code of Practice on Guidance' both issued in July 2008 by the Better Regulation Executive (BRE) within the Department for Business, Innovation and Skills (BIS).

3 These amendments allow greater flexibility for businesses in three areas associated with the testing, passing and stamping of weighing and measuring equipment as fit for use for trade. Specifically, the amendments allow:-

- a) **Verification by an approved verifier** - manufacturers, installers and repairers (see also Annex A), 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 (since 19th December 2008) 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 and measures. A manufacturer, installer or repairer in possession of such an approval will be known as an **approved verifier**;
- b) **Third party testing** - persons requiring any weighing and measuring equipment to be passed by an inspector of weights and measures as fit for use for trade, may submit, together with the equipment, a test report from an official EEA tester stating that the equipment has been tested in accordance with any tests prescribed, which tests have been applied and setting out the test results. If the inspector is satisfied that the tests have been performed by a competent person and meet the necessary requirements for the equipment and that the test results are valid, the inspector will accept the test report. (the definition of an "official EEA tester" is given in Part C of these notes for guidance);
- c) **Pre-test stamping** - approved verifiers, who are manufacturers of weighing or measuring equipment, and whose approval so permits, may apply the prescribed stamp prior to that equipment being passed as fit for use for trade provided the manufacturer is satisfied on reasonable grounds that it will not be used (whether for trade or otherwise) unless either (i) the equipment has been passed as fit for use for trade, or (ii) the stamp has been destroyed, obliterated or defaced.

4 The Notes are in four parts:-

Part A describes the amendments to the 1985 Act introduced by the 1999 Order and the 2008 Order.

Part B contains notes for guidance on verification by approved verifiers for manufacturers, installers and repairers wishing to apply for an approval to conduct their own verification of weighing and measuring equipment as fit for use for trade.

Part C contains notes for guidance on third party (in the amendments described as an “official EEA tester”) testing and the use of the “official EEA tester” test results towards verification of prescribed weighing and measuring equipment by an Inspector of Weights and Measures.

Part D contains notes for guidance on pre-test stamping for approved verifiers wishing to apply the prescribed stamp to equipment of their manufacture prior to it being tested and passed as fit for use for trade.

5 The Deregulation (Weights and Measures) Order 1999 (S.I. 1999 No. 503) and the Legislative Reform (Verification of Weighing and Measuring Equipment) Order 2008 (S.I. 2008 No 3262) can be viewed on the internet at <http://www.opsi.gov.uk/legislation/uk.htm>. The up to date text of the 1985 Act as amended is available at <http://www.statutelaw.gov.uk>.

PART A

Deregulation (Weights and Measures) Order 1999 (S.I. 1999 No. 503)

6 The Deregulation (Weights and Measures) Order 1999 introduced amendments to the Weights and Measures Act 1985 (the 1985 Act) permitting verification by approved verifiers, third party testing and the pre-test stamping of equipment prior to passing as fit for use for trade. The description below briefly outlines the amendments whilst the Keeling schedule, which can be viewed on the NMO website at <http://www.bis.gov.uk/nmo>, shows the amended sections of the 1985 Act:-

Description of the amendments

(References are to the 1985 Act)

- Section 11(2) extends passing of equipment as fit for use for trade to include approved verifiers as well as inspectors.
- Section 11(4) has been amended to specify that it only applies to persons seeking to have equipment passed as fit for use for trade by an inspector.
- Section 11(4A) introduces a provision for approved verifiers to carry out verification activities in keeping with the provision at section 11(4) for inspectors.
- Section 11(6A) introduces the definition of an “approved verifier”.
- Section 11A introduces a provision for the Secretary of State to grant an approval, if he considers it appropriate to do so, allowing the manufacturer, installer or repairer, as the case may be, to test and pass equipment for use for trade and stamp it with the prescribed stamp. (The Weights and Measures (Prescribed Stamp)(Amendment) Regulations 1999 (S.I. 1999 No. 504) make provision for the Weights and Measures (Prescribed Stamp) Regulations 1968 to be amended as a consequence of this change in who may stamp equipment.)
- Section 11B introduces a provision for an inspector to use third party test results, from an official EEA tester, as part of his verification of equipment for passing as fit for use for trade. Section 11B(3) also defines “official EEA tester” for the purposes of section 11B.
- Section 14(1) is extended to accommodate approved verifiers.
- Section 15A introduces a provision for approved verifiers, who are manufacturers and whose approval permits, to apply the prescribed stamp to equipment of their manufacture prior to that equipment being passed as fit for use for trade, subject to the satisfaction of conditions.
- Section 15A(4) designates that a stamp, applied prior to passing equipment as fit for use for trade shall become evidence of that equipment being fit for use for trade after being passed.
- Section 15A(6) permits approved verifiers to obliterate the prescribed stamp if pre-test stamped equipment, when tested, is not passed as fit for use for trade.

- Section 16 is extended to include appropriate offence provisions to reflect the amendments to include references to approved verifiers.
- Section 74(5) introduces provision for local weights and measures authorities to provide advice and assistance to the Secretary of State in connection with the conduct of any inspection or audit under section 11A(3) or paragraph 7(3) of Schedule 3A to the 1985 Act.
- Section 75A(1A) makes it an offence for any approved verifier to stamp equipment in contravention of any provision of the 1985 Act or of any instrument made under the 1985 Act or without duly testing it or to knowingly commit any breach of any duty imposed on him under the 1985 Act (i.e. knowingly breaking the conditions of the approval).
- Section 79(1) extends the general powers of inspection and entry to allow inspectors to enter premises which he has reasonable cause to believe contain equipment which have been passed by a person purporting to act as an approved verifier.
- Section 94(1) ensures that the definition of “stamp” accommodates pre-test stamped equipment.
- SCHEDULE 3A, Part I, makes provision for the issue of approvals by the Secretary of State, his powers to withdraw an approval and the method of appeal open to verifiers against withdrawal of an approval.
- SCHEDULE 3A, Part I, also makes provision for inspectors of weights and measures to issue to the approved verifier a notice suspending the verifier's approval for a period not exceeding 28 days. Aggrieved verifiers may apply to the Secretary of State to review any such suspension.
- SCHEDULE 3A, Part II, outlines the requirements to be met by approved verifiers with respect to the maintenance of a quality system and its documentation.

Legislative Reform (Verification of Weighing and Measuring Equipment) Order 2008 (S.I. 2008 No 3262)

7 This Legislative Reform Order extends the scope of approved verification to permit the Secretary of State to approve manufacturers, installers and repairers of weighing and measuring equipment for the additional purpose of verifying equipment which they have adjusted. This means that it will be possible for approved verifiers to pass as fit for use and stamp equipment which they have adjusted, as well as equipment which they have manufactured, installed or repaired. On the difference between repair and adjustment, see Annex A.

8 Note:

- Existing approved verifiers will need to apply to NMO to have the scope of their approvals extended to cover the activity of adjustment before taking advantage of this new provision. This, in most cases, however should be a relatively low cost simple administrative paperwork exercise.

- The order does not create a fourth class of approved verifier i.e. an adjuster. Adjustment can only be verified under the approved verifier scheme if it has been carried out by either a manufacturer, installer or repairer. No other class of person can be approved for the purposes of verification as an approved verifier after adjustment, and where an adjustment has not been carried out by an approved verifier it must be verified by an inspector.

PART B

Notes for guidance for manufacturers, installers and repairers of weighing and measuring equipment seeking an approval to test, pass and stamp (verify) weighing and measuring equipment as fit for use for trade.

Introduction

These Notes have been prepared to help explain the amendments to the Weights and Measures Act 1985 (the 1985 Act) introduced by the Deregulation (Weights and Measures) Order 1999 (the 1999 Order) and the Legislative Reform (Verification of Weighing and Measuring Equipment) Order 2008 (S.I. 2008 No 3262) (the 2008 Order) which allow the testing, passing and stamping (collectively known as verification) of weighing and measuring equipment as fit for use for trade, by manufacturers, installers and repairers who manufacture, install, adjust and repair such equipment, as the case may be, in possession of an approval issued by the Secretary of State.

2 These Notes also detail the requirements with which an applicant will be expected to comply before being granted an approval to conduct verification.

Background

3 Before amendment by the 1999 Order, section 11 of the 1985 Act restricted the verification required for certain prescribed classes of weighing and measuring equipment (e.g. shop scales, petrol pumps, beer meters, some industrial equipment) as fit for use for trade to inspectors of weights and measures. Before passing equipment as fit for use the inspector must satisfy himself that the equipment complies with statutory requirements, with the approved design and that it measures with sufficient accuracy.

4 In 1985, the Eden Committee on the Metrological Control of Equipment for Use for Trade (Cmnd 9545 - June 1985) recommended a verification scheme whereby, subject to certain safeguards, manufacturers, installers and repairers of weighing and measuring equipment could conduct their own verification of equipment. The Eden recommendations were accepted by the Government in July 1986 (Cmnd 9850) which stated that the necessary legislation would be introduced "as soon as practicable". The White Paper "Lifting the Burden" (Cmnd 9571 - July 1985) said "The proposals could lead to a significant reduction in the burden on business and could also allow local authorities to use their manpower more cost effectively than is possible under current regulations."

5 The scheme for approved verification by manufacturers, installers and repairers retains the protection afforded by the present system by requiring equipment to meet the same prescribed requirements as an inspector would apply in his verification of equipment. The proposals do not alter the requirements for testing and consequently will not facilitate inaccurate equipment being used for trade. Confidence that the testing and verification of equipment will be conducted by competent persons is achieved through the specified requirements for approved verifiers (including that they are fit and proper persons to be approved), strict requirements for an approved quality system meeting the requirements detailed in Part II of Schedule 3A to the 1985 Act and the surveillance of the quality system.

6 Approved verification is available as an alternative to verification by inspectors of weights and measures under section 11 of the 1985 Act.

Application to instruments subject to EC harmonising legislation

7 Separately from these reforms to the 1985 Act, new EC single market laws on weighing and measuring instruments have also contributed to the liberalisation of verification. This happened first in respect of non-automatic weighing instruments complying with the Single Market Directive originally 90/384/EEC now codified in 2009/23/EC (the Non-automatic Weighing Instruments Directive, currently implemented by the Non-automatic Weighing Instruments Regulations 2000 (S.I. 2000/3236, as amended by S.I. 2008/738), and subsequently in respect of those instruments subject to the Measuring Instruments Directive 2004/22/EC (implemented by a series of Regulations covering different types of instruments in 2006). The Directives are only concerned with the first placing on the market or putting into use of the instruments which they cover, but the Regulations implementing them also make provision about subsequent verification (i.e. verification that takes place after repair, adjustment or re-installation), and permit approved verifiers to carry out such work, subject to its being within the conditions of their approvals (which of course means, amongst other things, that prior to the coming into force of the 2008 Order, it has not been possible for approved verifiers to verify instruments subject to these Regulations after adjustment).

General

8 Verification by manufacturers, installers and repairers of weighing and measuring equipment is only permitted by approval granted by the Secretary of State. Manufacturers, installers and repairers granted an approval by the Secretary of State will be able to conduct both initial verification and re-verification following adjustment or repair, subject to the conditions of the approval.

9 Before granting an approval, the Secretary of State must be satisfied that the applicant has a quality system meeting the requirements of Part II of Schedule 3A to the 1985 Act and has the necessary competencies and qualifications to conduct the verification of the equipment for which the application is made. The Secretary of State must also be satisfied that the applicant is a fit and proper person to be so approved. Consequently, the Secretary of State may make such enquiries and of such persons (such as the Home Trading Standards Authority) as are deemed necessary in his sole discretion to satisfy himself as to the status of the applicant, in particular as a fit and proper person for the grant of an approval.

10 Manufacturers, installers and repairers of weighing and measuring equipment wishing to be appointed as an Approved Verifier should make an application in the first instance to a UKAS Accredited (for approved verification) Certification Body, ACB, for certification. At the same time, the applicant body shall send copies of both forms plus approved verification application form completed to the Secretary of State, SoS, at NMO and these will be taken to be the formal application to the Secretary of State. No further action will be taken by the SoS until the ACB provide the formal report of the certification granted (or refused).

11 Applicants must possess or gain an acceptable BS EN ISO 9001:2008, or equivalent quality system certification. In addition to this, the applicant must include in their quality system details that demonstrate that the requirements of Part II of Schedule 3A to the 1985 Act are met. The details will need to include, amongst other things, the names of persons authorised in the organisation to conduct the verification of equipment, together with evidence that they possess the necessary skills and qualifications, the procedures to be followed in the testing of the equipment and the equipment to be used in the conduct of the tests together with evidence of traceability back to national standards.

12 Where an applicant is applying for an approval as an installer or repairer and is not the manufacturer of the equipment for which approved verifier status is being sought, the applicant

must provide evidence of access to the necessary information, equipment and material to enable him to ensure that the equipment complies with the relevant certificate of type approval¹. It will not be sufficient for the applicant to have access to the type approval certificate (including related variant, amendments or revisions) alone. The applicant will be expected to address this requirement as part of his contract review before entering an agreement to conduct verification of the equipment. The ACB, when considering such an application, will check for evidence that the applicant has access to such technical documentation as is necessary to ensure that the equipment complies with the relevant certificate of type approval. Such documentation shall comprise all of the following:

- the type approval certificates and related revisions, variants and amendments;
- relevant guidance (e.g. NMO guidance including Weights and Measures Bulletins, guidance issued by Trading Standards such as that previously issued by LGR (LACORS) guidance
- Installation and/or Service Manuals;
- a letter of intent from the equipment manufacturer (or authorised agent) for access to:
 - Advice;
 - Information;
 - Technical support;
 - Spare/replacement parts.

13 An approved verifier will be subjected to ongoing monitoring, not only for the purposes of establishing that the approval conditions are being met, including the keeping up to date of the quality system manual, but also to ensure that the quality system remains fully up to standard. The Secretary of State may withdraw an approval if the approval conditions are contravened and this would include deficiencies in the quality system. The Secretary of State may also employ the services of local Trading Standards Authorities to conduct inspection visits upon approved verifiers as part of this monitoring process.

14 When an applicant (i) has been certified by an acceptable ACB and (ii) meets the requirements of Part II of Schedule 3A to the 1985 Act, little or no further assessment by the Secretary of State, SoS should normally be required beyond the consideration of the approved verification application form and supporting documentation. However, enquiries will be made to ascertain whether or not an applicant is a fit and proper person to hold an approval.

15 The ACB will submit a recommendation to the Secretary of State stating that the company is competent to be an approved verifier as certified and a list of the certificates of type approval that the company can be approved to verify should be included on the ACB certification.

16 If satisfied that the applicant meets the necessary requirements and is a fit and proper person to be granted an approval, the Secretary of State will grant an approval permitting the applicant to verify specified types and classes of equipment. Any approval granted will be for a specified period not exceeding 5 years but will be subject to earlier withdrawal if, for example, approval conditions are not met.

¹ UK national certificates of type approval are published by NMO. There are also variants and amendments to these certificates, which may be relevant. Enquiries about obtaining copies of these should be sent to NMO (email: info@nmo.gov.uk). EU certificates of type approval may be issued by any EU member state. For EU certificates the relevant issuing authority should be contacted.

17 After initial approval, if amendments to the approval are requested, such as additions of certificates of type approval to the approval scope, an application should be made to the SoS and the ACB at the same time. The ACB will assess the application that has been submitted to them first and then, if satisfied, will revise their certification. Then the ACB will submit a recommendation with any relevant supporting documentation, together with a copy of the revised ACB certification, to the SoS. The SoS will then assess the application and, if satisfied, will issue the amended approval.

18 If at any time the ACB suspends or withdraws their certification they should inform the Secretary of State immediately with the reasons for the suspension or withdrawal.

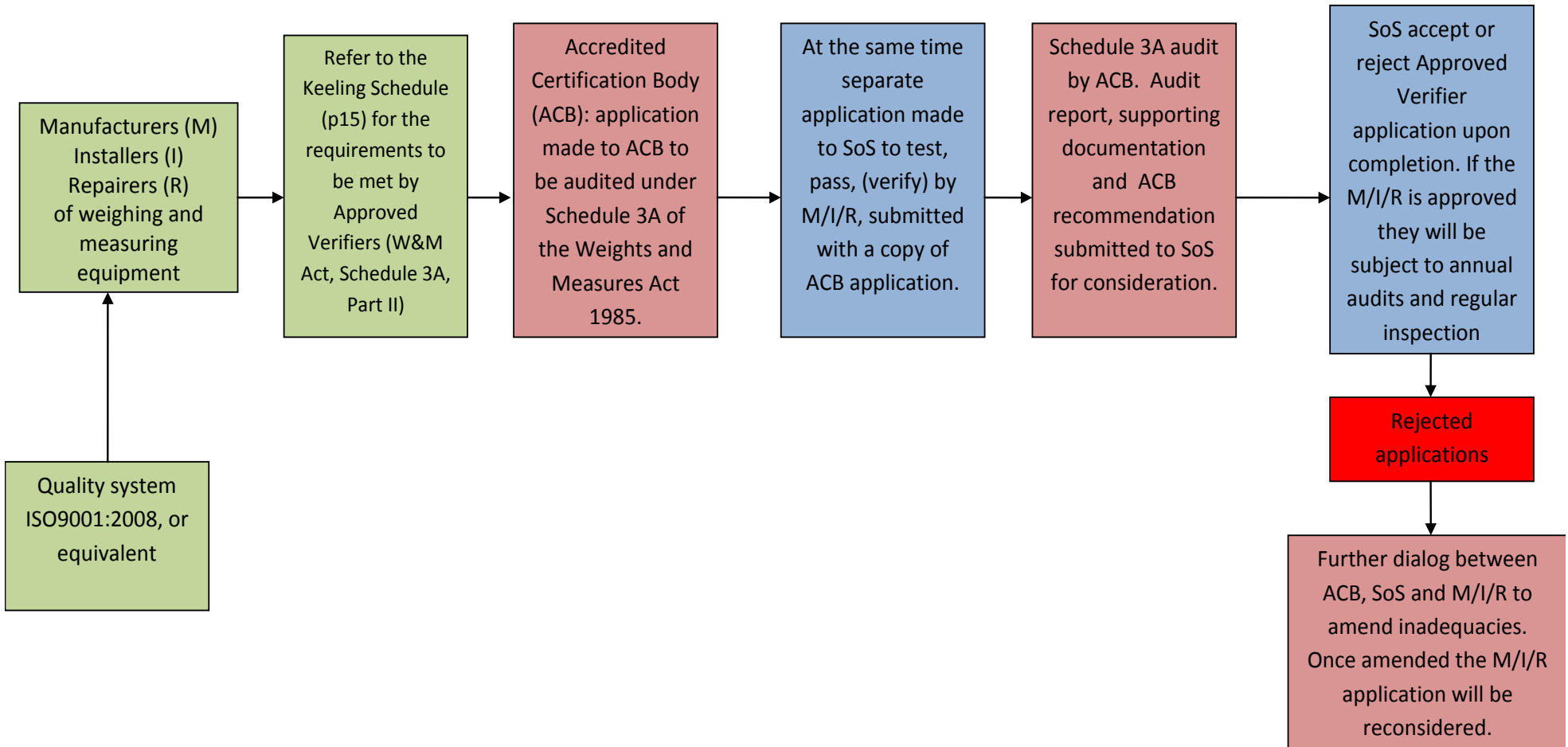
19 Approved verifiers will be subjected to audits to confirm that their verification activities continue to be conducted to the requirements of the approval. In the case of approved verifiers possessing an acceptable certified quality system these audits will generally form part of the normal surveillance and audits conducted by the certification body. However, the Secretary of State may require additional audits and may issue directions to the approved verifier in respect of matters specified in its approval.

20 Any issues that have been raised with the SoS about activities carried out by an approved verifier will be referred for action to the ACB who has certified and recommended them for approval by the SoS. It is recommended that prior to auditing an approved verifier the ACB contacts their home and primary (if they have a primary authority agreement) authorities to ascertain if there have been any reports regarding the company's activities in the previous year.

21 For a step by step guide through the approval application process please refer to the flow chart on the next page.

Deregulation Order 1999 SI 1999/503 Flow Chart for Manufacturers/Installers/Repairers
Seeking to Become an Approved Verifier under the National Self Verification System

Flow Chart



Minimum requirements

22 Applicants must be the manufacturer, installer or repairer (see also Annex A) of weighing or measuring equipment for which application for approved verifier status is made. It is not sufficient to be only an importer or distributor of equipment.

23 Applicants seeking an approval to verify any weighing or measuring equipment as fit for use for trade will need to have a quality system, as described at Table 1 of these Notes, or equivalent, which encompasses their proposed verification activities and conforms with the requirements of Part II of Schedule 3A to the 1985 Act.

24 The applicant must submit an application to the Secretary of State at NMO, together with supporting documentation (including a quality system manual or draft of such manual) describing the weighing or measuring equipment for which they are seeking an approval to conduct verification, their proposed verification activities and making specific reference to:-

- a) Management responsibility, including the names of those individuals qualified and authorised to conduct verification of equipment,
- b) the Regulations relevant to the equipment and (where applicable) certificate of type approval against which the equipment is to be verified,
- c) the quality system,
- d) document and data control,
- e) procedures to enable unique identification of individual product or batches,
- f) procedures for the method of test of the weighing and measuring equipment to ensure conformity with the Regulations relevant to the equipment and (where applicable) certificate of type approval,
- g) the test equipment required and procedures for the control of the test equipment used in the conduct of the tests,
- h) the relevant skills and qualifications of all staff who will perform verification duties, together with procedures for the identification and review of training needs and methods to provide for such training of all personnel who will perform verification duties,
- i) procedures to demonstrate the applicant's control and responsibility over the actions of sub-contractors in relation to the testing of weighing and measuring equipment,
- j) procedures for internal reviews and audits of the applicant's quality system,
- k) procedures for the maintenance of records which provide evidence and results of testing of equipment for conformity with Regulations relevant to the equipment and (where applicable) certificate of type approval,
- l) procedures for the control and use of the prescribed stamp,
- m) procedures to ensure that equipment which does not conform with Regulations relevant to the equipment and (where applicable) certificate of type approval is prevented from being passed as being fit for use for trade or re-verified.



Costs

Approval of the complete quality system by an ACB

25 Applicants will be responsible for payment of all fees and charges arising from certification of their quality system by an ACB.

Application for Approved Verifier Status

26 Applicants will be responsible for payment of all fees and charges for any advice, assistance and work supplied by the Secretary of State for the consideration of an application seeking approved verifier status and the granting of an approval.

27 Fees for any advice, assistance and work supplied by the Secretary of State for the consideration and granting of approvals will be set at a level to recover the costs incurred , including any necessary travel and subsistence. Please contact us to find out the current hourly rate.

Audit/Surveillance

Audit/Surveillance of the quality system by an ACB

28 Applicants will be responsible for payment of all fees and charges arising from the audit or surveillance of their quality system by an ACB.

29 Fees for audits and surveillance conducted by the Secretary of State will be set at a level to recover the costs incurred by NMO, including any necessary travel and subsistence. Please contact us to find out the current hourly rate.

Duration of approval

30 The approval issued by the Secretary of State will remain in force for a period of 5 years, unless withdrawn, or a shorter period is specified in the approval.

Refusal of Applications

31 The Secretary of State will be under a duty to refuse an application if he is not satisfied that the applicant meets the approval requirements outlined above. If the Secretary of State refuses an application, the applicant will have an opportunity to make representations to him.

Revocation of approvals

32 The Secretary of State may by written notice withdraw an approval if at any time during the continuance of the approval-

- a) he is of the opinion that if the approval had expired at that time he would have been minded not to grant a further approval;
- b) it appears to him on reasonable grounds that the approved verifier is, or has been, in breach of any condition contained in the approval; or

- c) any fee due to the Secretary of State for activities in connection with the application for approved verifier status or the approval itself has not been paid.

Appeal against refusal or revocation

33 Except where the Secretary of State considers in the circumstances of any particular case that it is necessary for him to withdraw an approval without delay, he shall not withdraw an approval unless he has given the approved verifier at least 28 days written notice of his intention to do so and of the grounds for revocation.

34 Where the Secretary of State withdraws an approval without giving at least 28 days written notice, he shall, at or before the time when the revocation takes effect, give the approved verifier written notice of the grounds for revocation and of his reasons for considering it necessary to withdraw the approval without delay.

35 Where an approved verifier receives notice revoking his approval, he may within 21 days of receipt of the notice make representations in writing to the Secretary of State.

36 The Secretary of State shall consider any representations so made and, having done so, shall notify the approved verifier of his decision.

Grant of new approval following revocation

37 Where the Secretary of State decides, whether in the light of representations or otherwise, that an approval which has been withdrawn should not have been withdrawn, he shall as soon as reasonably practicable grant a new approval to the former approved verifier.

38 The new approval shall expire on the date on which the withdrawn approval would have expired and (except as may otherwise be agreed with the former approved verifier) shall be subject to the same terms and conditions as the withdrawn approval. In such cases the approved verifier shall be deemed to have remained approved for the period beginning on the date on which the original approval was withdrawn and ending on the date on which the new approval took effect.

Application for further approval

39 Not more than three months before the end of the period specified in an approval as the period for which the approval is to continue in force, an approved verifier may apply to the Secretary of State for the grant of a further approval in the same, or substantially the same, terms as those of the existing approval. It is the responsibility of the approved verifier to submit the application at least two weeks before the approval certificate expires.

40 Assessment of applications for renewal will include a file review and contacting the home and primary (if there is a primary authority agreement) authorities to ascertain if there have been any reports regarding the company's activities and enquiries will be made to ascertain whether or not an applicant is still considered a fit and proper person to hold an approval. The ACB will be requested to confirm that the approved verifier is still recommended for approval.

41 The existing approval shall remain in force until the Secretary of State gives the approved verifier notice of the Secretary of State's decision with respect to the application.

Suspension of Approvals

42 An inspector may issue a notice suspending an approval for up to 28 days if it appears to him that the stamp has been applied to equipment which has not been duly tested and passed. An approved verifier may apply for a removal of the suspension within 21 days of the suspension notice and may request the Secretary of State to review the suspension.

Changes to the quality system

43 An approved verifier shall notify the Secretary of State and the body which certified or approved the quality system of any changes to his verification or manufacturing practices. It is quite possible that modifications in manufacture per se would not require a change to the quality system, but the certification body would expect to see declarations to be made that the modifications first require no change to the quality system and secondly do not affect compliance with paragraph 6(1) of the Schedule.

Requirements for a certified quality system

44 When an applicant submits an application for an approval to conduct verification, supported by evidence of an appropriate certified quality system as detailed in Table 1 of these notes, the quality system will only be considered as evidence of the applicant's ability to meet the necessary requirements to conduct verification if, in addition to the normal obligations of the appropriate quality standard, it fully conforms with the requirements of Part II of Schedule 3A to the 1985 Act and the following are met;

- a) The scope of the accredited certification body which issued the certification includes the certification of quality systems conforming to the requirements of Part II of Schedule 3A to the 1985 Act,
- b) The assessment team which conducts certification of the quality system must include a suitably qualified person as a full member of the team (such a person will normally be an Inspector of Weights and Measures, with experience of the equipment technology for which verification status is being sought, who has successfully completed a course recognised by the Governing Body of the National Registration Scheme for Assessors of Quality Systems or a person recognised by the Secretary of State as being suitably competent). This person will be expected to focus on the assessment of those parts of the quality system pertinent to Part II of Schedule 3A to the 1985 Act. Where a certification body intends to use a person who is not an Inspector of Weights and Measures they are advised to contact the Secretary of State first.
- c) The quality system shall identify the Regulations relevant to the equipment and (where applicable) certificate of type approval against which the equipment is to be verified,
- d) The quality system shall contain documented procedures detailing the method of test of the weighing and measuring equipment to ensure conformity with the Regulations relevant to the equipment and (where applicable) certificate of type approval,
- e) The quality system shall identify the test equipment required in the conduct of the tests,

- f) The quality system shall identify the training needs and provide for the training of all personnel performing activities associated with verification,
- g) The quality system shall contain documented procedures which demonstrate control and responsibility over the actions of sub-contractors in relation to the testing of weighing and measuring equipment,
- h) The quality system shall contain documented procedures to enable unique identification of individual product or batches as required as a condition of the approval,
- i) The quality system shall maintain records which provide evidence that the equipment has been tested to ensure conformity with the Regulations relevant to the equipment and (where applicable) certificate of type approval against which the equipment is to be verified,
- j) The quality system shall contain documented procedures for the control and use of the prescribed stamp,
- k) The quality system shall contain documented procedures for internal reviews and audits of the quality system,
- l) The quality system shall contain documented procedures to ensure that equipment that does not conform with the Regulations relevant to the equipment and (where applicable) certificate of type approval against which the equipment is to be verified is prevented from being passed as being fit for use for trade.

Table 1

Equipment technology	Moving parts	Minimum quality system	Permissible exclusions
Mechanical	No *	BS EN ISO 9001:2008	Sub-clause 7.1: planning of product realisation Sub-clause 7.2.3; customer communication Sub-clause 7.3; design and development Sub-clause 7.4; purchasing Sub-clause 7.5.1 control of production and service provision Sub-clause 7.5.2; validation of processes for production and service provision
Mechanical	Yes	BS EN ISO 9001:2008	Sub-clause 7.3; design and development
Electronic	No	BS EN ISO 9001:2008	Sub-clause 7.3; design and development

Electronic	Yes	BS EN ISO 9001:2008	Sub-clause 7.3; design and development
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*** For example capacity measures and measures of length.**

PART C

Notes for guidance for persons submitting evidence of testing by an official EEA tester for consideration as part of the inspector's verification of weighing and measuring equipment, as fit for use for trade.

A person, requiring any weighing and measuring equipment to be passed by an Inspector of weights and measures as fit for use for trade may submit, together with the equipment, a test report from an official EEA tester stating that the equipment has been tested in accordance with any tests prescribed, which tests have been applied and setting out the test results.

- 2 The new section 11B(3) to the 1985 Act requires an official EEA tester to be either:-
- a) A person in an EEA State who has the responsibility in that State for metrological control of measuring equipment of the appropriate description; or
 - b) A person who is accredited in an EEA State as being a person who operates a laboratory, in conformity with the criteria set out in the applicable European Standard, for the purpose of testing equipment of the appropriate description.

3 The accreditation of the person who operates a laboratory will need to include any tests to be submitted for consideration by the Inspector.

4 If the Inspector is satisfied that the tests have been performed by a competent person and meet the requirements set out in section 11B of the 1985 Act, the submitted test report contains the information detailed in paragraph 1 above, and the Inspector considers the test results to be valid, the test report will be accepted as part of the Inspector's verification of the equipment. The Inspector will not be required to conduct the tests, detailed in the test report, as part of his verification of the equipment.

PART D

Notes for guidance for manufacturers wishing to apply the prescribed stamp to weighing and measuring equipment prior to that equipment being passed as fit for use for trade (pre-test stamping).

As allowed by section 15A of the 1985 Act, as amended by the 1999 Order, approved verifiers, who are manufacturers of weighing or measuring equipment, and whose approval so permits, may apply the prescribed stamp prior to that equipment being passed as fit for use for trade provided the manufacturer is satisfied on reasonable grounds that it will not be used (whether for trade or otherwise) unless either (i) the equipment has been passed as fit for use for trade, or (ii) the stamp has been destroyed, obliterated or defaced.

2 Applicants for approved verifier status wishing to include pre-test stamping as part of their approved verification activities will need to include, as part of their application, details of their procedures to ensure that pre-test stamped equipment will not be used, sold or exposed for sale unless passed as fit for use for trade.

3 In detailing the procedures used to ensure that pre-test stamped equipment that has not been passed as fit for use for trade is not used or exposed for sale, specific attention needs to be given to:-

- a) the procedures used to “quarantine” equipment which has been pre-test stamped but which has not been tested or passed as fit for use for trade,
- b) procedures for disposal (or obliteration of the stamp) of pre-test stamped equipment failing to meet the requirements for passing as fit for use for trade.

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 (S.I.1999 no. 503) and the legislative reform (verification of weighing and measuring equipment) order 2008 (S.I. 2008 no. 3262)

'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 NMO to have the scope of their approvals extended to cover the activity of adjustment before taking advantage of this new provision.

To apply please complete the online application available on the following URL:
<http://www.nmodoitonline.bis.gov.uk/applicationform/application-for-approved-verification.aspx>

Completion of the approved verification application form

Please refer to the 'letters' against each entry on the application form to identify the relevant notes

Applicant details

- a** Enter the name of the company applying for an approval to conduct verification. This will be used as the name for the "applicant". Please state if you are applying as the manufacturer, installer and/or repairer of the equipment you wish to verify.
- b** Enter the name of the individual within the applicant who assumes overall responsibility for compliance of the applicant's verification duties with the conditions of the approval.
- c** Enter the official address of the applicant as address (A) and, where different, the address of the named individual, responsible for ensuring conformity with the conditions of the approval, as address (B).

Contact for NMO

- d** Enter the name of the individual, if different from above, who will liaise with NMO during consideration of the application.
- e** Enter the Company name of the individual identified at (d) if employed by a different Company to that recorded at (b).
- f** Enter the official address of the individual identified at (d) and, where different, enter the official address of the Company identified at (e) as address (B).

Type of weighing or measuring equipment for which an approval is being sought

- g** Enter details of the type(s) and, where applicable, the certificate numbers and accuracy class(es) of the equipment for which the applicant seeks an approval to conduct verification. Details should be included of the technologies employed by the equipment and measuring ranges, capacities, etc.

Declaration of conformity with the minimum requirements (h - v)

The declaration of conformity with the minimum requirements is given as a check list. Applicants should mark under the YES column or the NO column, as relevant, for each of the statements listed. Documented evidence showing compliance with the separate requirements should be submitted with the application.

Declaration of conformity with the requirements for a quality system (w)

Applicants should record whether their quality system conforms with the requirements of BS EN ISO 9001:2008 or meets an equivalent standard. Supporting documentation should be submitted with the application.

Quality system

- x** Applicants wishing to have a suitable certified quality system considered as part of their application for an approval to conduct verification should submit supporting documentation as part of their application. As well as documentation demonstrating that the applicant's quality system conforms with the requirements of Part II of Schedule 3A of the 1985 Act (introduced by the 1999 Order), this documentation should include a copy of the certificate, the name of the suitably qualified person who assessed the features of the quality system pertaining to Part II of Schedule 3A of the 1985 Act, the dates of the assessment and any subsequent audits and copies of the assessment and audit reports.

- y** Enter details of the accredited body that certified the quality system.

Supporting documentation

- aa** Applicants should declare whether they have included documentation as evidence of compliance with the requirements detailed in boxes j to z of the application form.

- bb** Enter details of the documentation included in support of the application for an approval to conduct verification

Declaration

The declaration must be signed by the individual named at 1b of the application form.