

Weights and Measures

Report 1995 to 2008

Report by the National Weights and Measures Laboratory

Period Covered 1995 to 2008

Presented to Parliament pursuant to Section 87 of the Weights and Measures Act 1985

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INTRODUCTION

1. This report from the Secretary of State to Parliament covers the activities of the National Weights and Measures Laboratory from 1st January 1995 to 31st March 2008.
2. The report is divided into sections broadly covering each part of the Weights and Measures Act and describes what has happened during the period under each of those parts of the Act.

Background

3. The National Weights and Measures Laboratory (NWML) is an Executive Agency of the Department for Innovation Universities & Skills (DIUS) operating under a net running cost regime, meaning that it must recover the full economic costs from its customers including its parent department.
4. NWML receives funding from three sources:
 - From DIUS via the National Measurement System, called “The Legal Metrology Programme”. The programme funds the international, legislative/policy, enforcement, and statutory operational roles arising from the Act as well as a number of technical projects,
 - From contracts for work such as from Business Enterprise and Regulatory Reform (BERR) for enforcement of environmental legislation, and
 - From commercial customers for type approval, testing, calibration, and training work.
5. There have been some structural changes during the period. Of most importance to the Act¹ is that in March 2007 NWML became responsible for the entire Act, taking over responsibility from the then Department of Trade and Industry, for Parts IV and V of the Act which covers transactions and packaged goods plus policy responsibility for units of measurement.

International Work

6. NWML represents the UK Government in the International Organisation of Legal Metrology (OIML). OIML is an inter-governmental body, established in 1955, dedicated to the harmonisation of the national metrology regulations of its members. This is achieved by international co-operation in the production of OIML Recommendations - model documents for establishing harmonised legal metrology requirements and practices. They are intended for implementation by metrology

¹ The Act refers to the Weights and Measures Act 1985.

services as national regulations to ensure the proper design, verification and use of measuring instruments and products subject to legal requirements. UK membership of OIML satisfies World Trade Organisation (WTO) requirements.

7. A number of international recommendations developed by OIML have been adopted to ensure that products meet international specifications for metrological performance and testing. These changes have enabled UK manufacturers to place measuring instruments on the market which comply with internationally recognised standards and therefore minimise the need for those instruments to be modified for sale in other markets.
8. Within OIML, each field of legal metrology is governed by a Technical Committee (TC) or Sub-Committee (SC). The UK currently holds the Secretariat of five TC/SCs, and is a Participating or Observing member of 32 others. The five UK held Secretariats are: TC7 – Measuring instruments for length; TC7/SC3 – Measurement of areas; TC7/SC4 – Measuring Instruments for road traffic; TC8/SC5 - Water meters; TC9/SC2 – Automatic weighing instruments.
9. NWML is actively involved in WELMEC, which is the European association that pursues co-operation in legal metrology throughout the EU. WELMEC was formally established in 1990. There are currently 28 Members and 3 Associate Members. The principle objective of WELMEC is to develop mutual confidence between legal metrology services in Europe and achieve harmonisation of legal metrology activities through production of its Guidance Documents for best practice.
10. NWML is represented in seven of the eight different working groups of WELMEC. These are: WG2 – Weighing; WG4 – General aspects of legal metrology; WG5 – Metrological supervision; WG 6 – Pre-packages; WG7 – Software; WG8 – Measuring Instruments Directive; WG10 – Measuring instruments for liquids other than water; WG11 – utility meters. The UK currently holds the Co-Chairmanship and Secretariat of WG 5, and the Chairmanship of WG 6.

PART I: UNITS AND STANDARDS OF MEASUREMENT

Primary Standards

11. The primary standards are those by reference to which all other standards in the UK are determined. Section 2 of the Act charges the Secretary of State with the responsibility of maintaining primary standards, and of deciding when and how to determine or re-determine the values of the primary standards or authorised copies.
12. The National Physical Laboratory (NPL) as the UK's national measurement institute maintains the primary standards on behalf of the Secretary of State.
13. The United Kingdom's national standard of mass, Kilogram 18, is held by NPL and is the basis of the entire mass scale in the UK. Maintenance of the national

standard of mass involves careful storage in a controlled environment and annual verification against a number of other platinum-iridium standards held at the NPL. NPL also undertakes research into the storage and transfer of masses in inert gas and vacuum which will be necessary when the kilogram is redefined in terms of a fundamental constant. UK primary standards are periodically compared with the international standards held at the Bureau International des Poids et Mesures (BIPM) in France.

14. For the standard of length, NPL maintains frequency-stabilised lasers that provide the practical realisation of the metre within the UK. These lasers have a very stable vacuum wavelength (i.e. a very stable frequency) that is obtained by controlling the frequency to that of an atomic or molecular absorption. NPL is undertaking research into optical frequency standards based on both ion traps and lattice clocks to support the realisation of the metre.

Secondary and Tertiary Standards

15. Section 3 of the Act requires the Secretary of State to maintain certain secondary and tertiary standards of weights and measures and coinage standards of the weight of each authorised coin of the realm.
16. Over the period of the report, NWML has maintained secondary standard sets of metric, carat metric and ounce troy weights. A programme of five yearly calibrations against primary standards has continued. The corresponding sets of tertiary standard weights were also tested.
17. To make the process more efficient and economic the mechanical and oldest electronic balances were replaced with fully automatic machines. To this end, a recently acquired 10 kg balance has allowed the full range of metric weights, required for legal measurement (20 kg – 1 mg), to be tested by automatic machines.
18. NWML has initiated and participated in several mass and volume inter-comparison exercises to ensure consistency of measurement. The work involved sending standards that had been deliberately marked or adjusted to an extreme value, to participating organisations for calibration. On receipt of the results a non attributable report was generated and made available to all parties. Any problems identified with a particular organisation, were resolved confidentially.

Coinage Standards

19. Coinage standards and trial plates for the annual Trial of the Pyx ceremony at Goldsmiths Hall were maintained throughout the period. A new platinum coin, produced by the Royal Mint, required a new trial plate and coin weight to be purchased. Some of the existing gold coin weight standards were replaced with more durable stainless steel equivalents. The current number of sets being

maintained for the Mint stands at ten, the recalibration being performed each year during the autumn.

Local Standards

20. Section 4 of the Act deals with local standards kept by Local Weights and Measures Authorities (LWMA). This section enables the Secretary of State to prescribe the limits of error and the form and material of construction of the local standards. The standards must have valid certificates indicating that they have been tested by NWML against the appropriate secondary or tertiary standards.
21. A comprehensive set of specifications for the different types of local standards has been revised and published on the NWML website and guidance to reflect international best practice.
22. Following the extensive local government reorganisation, we have enabled local authorities to use standards held by other parties to carry out their services. In this way we have helped local authorities reduce the cost of delivering the service whilst ensuring they retain access to accurate standards. This has been effected by using 'letters of dispensation' to local authorities. Currently 117 full and partial dispensations have been issued.
23. Visits to Trading Standard Departments were made to re-certify local standard measures and to ascertain that the facilities and staff continued to fulfill the requirements necessary to provide legally traceable measurement.

Working Standards and Testing and Stamping Equipment

24. Section 5 of the Act deals with working standards and stamping equipment which must be provided by local authorities for use by their inspectors. It requires standards and testing equipment to be of a material and form approved by the Secretary of State and enables him to specify the way in which they should be tested and adjusted, and to prescribe the maximum limits of error. Local authorities are empowered to hire working standards or equipment for their inspectors' use and to lend standards or equipment, except stamping equipment, to other people.
25. This section also authorises the Secretary of State to provide, and hire to particular local authorities, testing equipment which it would be unreasonable to expect authorities to provide because of the expense involved and the infrequency of use of the equipment. This provision was not formally called upon during the period of this report. However, the Secretary of State arranged for provision of a Liquid Petroleum Gas testing facility to evaluate the accuracy of dispensers as the number of available sources increased and for the provision of a "covert vehicle" for the assessment of liquid petroleum dispensing on retail forecourts.

26. Regulations were made to, amongst other things; permit the use of automatic dispensing equipment for the testing of pharmaceutical measures. Specifications were issued for the material and form requirements for volumetric measures to enable new technologies to be exploited in the testing of fuel dispensers. Along with the local standard specifications, the working standard specifications were republished as a set on the NWML website.
27. With the opening up of the verification function following the Deregulation (Weights and Measures) Order 1999, new prescribed stamp numbers have been issued to a variety of commercial companies to be incorporated into their stamping equipment. The full list of current and no longer used prescribed stamp numbers is now available on the NWML website.

Testing of Other Standards and Equipment

28. Section 6 of the Act provides for the Secretary of State to accept for testing, standards and other articles and to make a charge for this activity. This enables NWML to offer a commercial testing service. The revenue from this work increases the utilisation of staff and equipment and the income generated contributes to reducing the overhead costs that would otherwise be borne by Government.
29. The upgrade of equipment and facilities at NWML has allowed the level of service to be extended. NWML offers mass measurements up to OIML (International Organisation of Legal Metrology) Class E1 uncertainty and length measurement facilities unique in the UK. This has resulted in the issuing of approximately 350 United Kingdom Accreditation Service (UKAS)-accredited calibration certificates each year. NWML has established a commercial contract with Camelot for the testing of national lottery balls and machines. The testing provides independent evidence that all balls remain within specification (and thus helps to ensure an equal chance of any one ball being selected). The work is carried out at their premises near Watford.
30. NWML is regularly asked to perform calibrations for other Government organisations and agencies, for example crash test dummies, impactor bags and associated equipment.

Units of Measurement

31. Directive 80/181/EEC (the Units of Measurement Directive) as amended was implemented in the UK in 1994. Articles 1 and 2 of the Directive authorise metric units for economic and certain other purposes in all Member States subject to certain derogations. It required that most products still traded in imperial should convert to the use of metric units as the primary indication of quantity from 1st October 1995. Goods sold loose, such as fruit and vegetables, were required to be sold in metric units from 31 December 1999.

32. However, other units, including imperial units, may be used alongside metric units as supplementary indications until 31st December 2009, so long as they are not larger or more prominent than the metric units. The Directive also authorises the use of specific imperial units (the mile for road traffic signs, distance and speed measurements, the pint for the dispense of draught beer and cider and milk in returnable containers, the acre for land registration and the troy ounce for transactions in precious metals) as primary indications for specific purposes in the UK and Republic of Ireland.
33. The Units of Measurement Regulations 1995 (S.I.1995/1804) implemented in part Directive 80/181/EEC relating to the use of units of measurement. The Units of Measurement Regulations 2001 (SI 2001 No 55) implemented amendments made by Directive 1999/103/EC to Directive 80/181EEC by extending the deadline for the authorised use of supplementary indications to 31st December 2009.
34. The European Commission published, on 11 September 2007, a proposal to update Directive 80/181/EC to allow supplementary indications (i.e. dual labelling) to continue indefinitely and to remove any obligation on the UK to set a date to end the use of the mile, pint or troy ounce. The proposal also removes the exemption for the use of the acre for land registration in recognition that it was no longer required as the UK Land Registries have for many years used metric units (hectares) for new registrations. It does not affect the continued use of the acre for trade which can continue to be used alongside metric units as a supplementary indication.
35. Agreement on the text of the amended Directive in its final form was completed in 2009.

PART II: WEIGHING AND MEASURING FOR TRADE

Self-Verification

36. The Act was amended in 1999 to reduce the burdens on business associated with the verification of weighing and measuring equipment intended for use for trade. Before that date manufacturers, installers and repairers of weighing and measuring equipment needed a local trading standards officer to verify equipment which resulted in costs and delays to the businesses. However the change meant that businesses are now able to apply to NWML for approval to conduct their own verifications of equipment they themselves have manufactured, installed or repaired as an alternative to using trading standards.

The Legislative Reform Order

37. In 2008 the Weights and Measures Act was amended by a Legislative Reform Order (LRO) to allow manufacturers, installers and repairers of trade equipment to “self verify” the equipment after the activity of adjustment to improve accuracy.
38. The change was made by The Legislative Reform (Verification of Weighing and Measuring Equipment) Order 2008 and bears the number SI 2008/3262 which was made on 18th December 2008 and it came into force on 19th December 2008. The change mainly affects petrol and diesel retailers whose equipment is subject to quite frequent repair and NWML estimated this action would save the retail fuel industry approximately £615,000 a year. The change was particularly welcomed by the trade associations representing the industry namely the Petrol Retailers Association (PRA) and the Forecourt Equipment Federation (FEF). A spokesperson from the PRA commented, “this will benefit the nine and a half thousand fuel retail sites in the UK, at least seven and a half of these being small to medium-sized enterprises (SMEs), and they will all benefit from this measure financially because of more accurate systems, better wet stock reconciliation, better leak detection and improved environmental protection.”

European Communities Act

39. The Directives relating the Non-Automatic Weighing Instruments 90/384/EEC (NAWI) and the Measuring Instruments Directive 2004/22/EC (MID) establish a single market for measuring instruments which means that once instruments have been approved in one Member State they can be placed on the market in any Member State without the need for further checking. It is of note that the essential requirements of both these ‘new approach’ directives were largely derived from the corresponding OIML Recommendations negotiated by NWML.

Non-Automatic Measuring Instruments (NAWI)

40. The NAWI Directive was initially implemented in 1992 by S.I. No. 1992/1579 but was replaced in 1995 by S.I. No.1995/1907, amended by S.I. No. 1997/3035 and S.I. No. 1998/2994, and then these were subsequently replaced in 2000 by S.I. No. 2000/3236. The NAWI Directive (and the implementing regulations) is mandatory and covers a wider scope than “use for trade” under s11 of the Weights and Measures Act (for example medical weighing).

The Measuring Instruments Directive (MID)

41. The Measuring Instruments Directive came into force on the 31st October 2005 and provided manufacturers of weighing and measuring equipment with more flexible

procedures for placing products on the market throughout the European Union and EEA states. The UK implementing Regulations were made and came fully into force on the 30th October 2006.

42. Implementation of the MID is optional which means that Member States have the option of whether or not to prescribe each of the instrument types covered by the Directive but, where legislation is in place, it must correspond to the provisions of the essential requirements specified in the MID. This means that, after a transitional period not exceeding ten years from 30 October 2006, every new measuring instrument to which the MID applies that is placed on the market in any Member State will, if regulated in that Member State, have to be marked in the prescribed way to indicate compliance with the MID. The scope of the national legislation implementing MID has been limited to “use for trade” which mirrors the provision in the Weights and Measures Act and not extended to the other purposes applicable for NAWI.
43. The MID was implemented in the UK by a series of fifteen statutory instruments developed following consultation to implement on the basis of “status quo” in terms of the scope of regulation applied both in the types of instrument and their use. Ten of these statutory instruments were made in respect of instruments previously subject to Weights and Measures Act provisions. An eleventh instrument was made for “non-prescribed instruments”. Four other instruments were made for instruments that did not previously fall under the weights and measures Act, namely active electrical energy meters, gas meters, exhaust gas analysers and taximeters, however these fall outside the scope of this report and are only mentioned here for completeness of information. This regulation provides a means by which UK manufacturers can be permitted to undertake conformity assessment procedures on instruments prescribed by other member states. Where non-prescribed instruments are in use for trade in the UK and fall under the scope of the Weights and Measures Act 1985 and in Northern Ireland the Weights and Measures (NI) Order 1981 they remain subject to Section 17 (in Northern Ireland Article 15 of the NI Order) relating to false or unjust equipment or fraud.

Intoxicating Liquor

44. The Act was amended in 2001 (SI 2001 No 1322) to enable the use of a 70 ml capacity measure for the sale of double measures of gin, rum, vodka and whisky for consumption on licensed premises. This removed the need to use a 35 ml capacity measure twice.

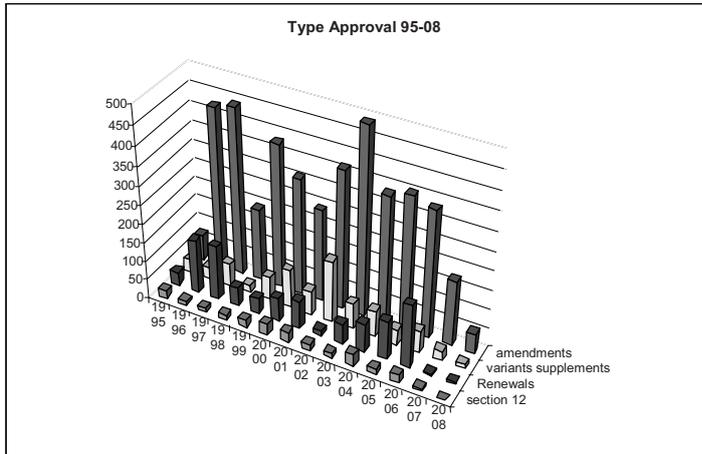
Metrication

45. Regulations made in 2001 (S.I. 2001/85) further amended a number of previous regulations by inserting the 31st December 2009 as the final date for the use of supplementary indications.

Type Approvals of Equipment for Use for Trade

46. During the period of this report the service of type approval delivered by NWML has changed considerably. The introduction of 'notified bodies' has meant that independent bodies have been notified to the European Commission and are able to conduct type approvals under the Measuring Instruments Directive. NWML itself has become a notified body and as such delivers type approval services under the MID. This change has seen a significant reduction in the demand for national type approvals now covered by the directive. The complementary, commercial service providing both quality management and legal metrological assessments has also been extended to include the wider range of activities associated with the MID. This has led to increased demand by both UK and international manufacturers who have chosen to use NWML's certification services as opposed to other European competitors, on the basis of better service delivery.
47. Under section 12 of the Act; 236 new national type approval certificates were issued, there were 4,166 amendments to existing certificates and 810 variants or supplements. Section 12 type approval certificates have an expiry date which is usually 10 years after issue and during the period 958 certificates and their associated variants were renewed.
48. A number of type approval certificates are issued with dispensations under section 15 of the Act to facilitate effective testing of the equipment in the field. During the period of this report 340 have been issued as follows:
- Automatic rail-weighbridges - 166
 - Automatic catchweighers - 90
 - Dynamic axle weighers - 82
 - Road tankers - 1
 - Discontinuous totalisers - 1
49. NWML did not exercise the power to withdraw any type approval certificates during the period of this report. However, at least two applications for renewal were considered and found to be unsuitable. In the course of normal operations there are always a small number of applications which do not result in the issuing of a certificate due to the withdrawal by the submitter; this continues to be the case.

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Section 12 approvals	20	11	12	13	20	31	27	14	14	31	15	21	7	0
Renewals	35	140	144	51	40	61	72	15	53	72	101	165	5	4
Variants/supplements	34	31	61	21	64	100	64	163	70	69	40	57	26	10
Amendments	70	425	441	193	381	309	245	364	490	334	354	335	173	52



50. Existing UK National weighing machines' (section 12 type approvals) could continue to be supported (amendments and variants issued) whilst still valid and could be renewed (up to the end of the 10 year transition period) when they would have expired.
51. All brand new approvals for NAWIs were undertaken under the NB and there are now no longer any section 12 weighing machine certificates still valid.
52. At the end of the reporting period the range of equipment subject to section 12 type approval under the Weights and Measures Act is:
- Automatic vehicle weighbridges (dynamic axle weighers)
 - Intoxicating liquor (Beer meters and Spirit measures)
 - Cubic measures
 - Alcohol meters and hydrometers
53. In addition modifications can still be made to existing type approvals for the following equipment until the base certificates expire or the 10 year transition period for the Measuring Instruments Directive is completed:
- Automatic weighing instruments
 - Cold-water meters
 - Fuel dispensers (< 100 L)
 - Road tanker meter measuring systems (> 100 L)
 - Material measures of length

PART III: PUBLIC WEIGHING OR MEASURING EQUIPMENT

54. Section 18 of the Act provides that operators of public weighing or measuring equipment should hold a certificate from the Chief Inspector of Weights and Measures that they have sufficient knowledge to carry out their duties properly. Should anyone have been refused such a certificate, they can appeal to the Secretary of State who has the power to direct (if this is thought appropriate) the Chief inspector to grant the certificate. During the period of the report there were no such appeals. Whilst information is not formally recorded the number of operational sites that continue to conduct public weighings has apparently decreased considerably as the market place has less demand for such statements of quantity.

PART IV: REGULATION OF TRANSACTIONS IN GOODS

Specified Quantities

55. A change in 2005 (S.I. 2005/3057) provided for mutual recognition for imports of pre-packages by exempting imports that were legally made up or marketed in another Member State from the requirement to be made up in a prescribed quantity. The Order also provided for deletion of the prescribed quantities for chocolate and cocoa products thus implementing Article 7 of Council Directive 2000/36/EC which repealed Council Directive 73/241/EEC in which those requirements were prescribed.
56. Directive (2007/45) on nominal quantities for pre-packed products came into force in September 2007 and deregulated mandatory fixed sizes for all pre-packaged products at European level, with the exception of wines and spirits. In addition, limited transitional periods are permitted for the retention of current mandatory nominal quantities for coffee, dried pasta, milk and butter until October 2012 and for white sugar until October 2013. The Directive repeals Directives 75/106/EEC and 80/232/EEC which set out the nominal quantities in which certain liquid and solid pre-packaged goods may be sold by weight or volume. These developments follow a Commission review of existing EU law which began in October 2004. Member States are required to implement the new Directive with effect from 11 April 2009.
57. The Department for Innovation, Universities and Skills went out to consultation in October 2008 on the implementation of the Directive including whether to apply the optional transitional periods to the products referred to above. Views are also being sought on proposed changes to the specified quantities which apply to non-pre-packaged alcoholic drinks (such as beer, cider, wine and certain spirits) and on whether specified quantities for unwrapped bread should be removed to bring it in line with wrapped bread. The consultation closed on 1st January. The new Directive will be implemented into UK law on 11th April.

PART V: PACKAGED GOODS

Packaged Goods Regulations

58. A programme of radical reform of UK weights and measures law during the period of this report resulted in the repeal of Part V of the Weights and Measures Act 1985 and the Weights and Measures (Packaged Goods) Regulations 1986. These were replaced in April 2006 by the Weights and Measures (Packaged Goods) Regulations 2006, made under Section 2.2 of the European Communities Act. These regulations simplified and shortened the legislation, making it easier for business to comply with and easier for Trading Standards to enforce. It also reduced burdens on business significantly; the estimated savings per year to business are £119 million.
59. The new regulations simplified, and made less prescriptive, the law regulating the average system of quantity control. Principal among the improvements to the law are replacement of the requirement that packers must pass a reference test (a statistical test of batches of goods carried out by trading standards officers). Instead, packers must be able to demonstrate that the packaging procedures in place are sufficiently stringent to ensure compliance with three packers' rules. The new regulations are also less prescriptive as to the precise type of packaging equipment which may be used, requiring only that it should be suitable for its purpose and legal for use in trade.
60. This reform followed on from work undertaken as part of the DTI consultation, "Fair Measure" on the proposed reform of Parts IV and V of the Weights and Measures Act 1985. That review of the legislation formed part of the Government's Consumer Strategy as set out in "Modern Markets: Confident Consumers".

PART VI: LOCAL ADMINISTRATION

61. The Local Government re-organisation of the late 1990s has resulted in the following changes in the composition of Local Weights and Measures Authorities as defined by section 69 of the Act for Great Britain. (The figures in brackets are the numbers that were given in the previous weights and measures report to parliament, printed 12 June 1996, as existing and know Local Weights and Measures Authorities as at 31 December 1994.)

- Counties 34 (39)
- London Boroughs and the City 31+1 (32+1)
- Metropolitan Borough Councils 36 (36)
The West Yorkshire Trading Standards Service administers the Act on behalf of the other metropolitan district councils under provisions of sections 101 and 102 of the Local Government Act 1972: Bradford, Kirklees, Calderdale, Wakefield and Leeds.
- Scottish Authorities 32 (9)
- Unitary Authorities 46
- Welsh Authorities 22 (8)

Annual Reports of LWMA's

62. Section 70 of the Act provides for each LWMA to report to the Secretary of State on their weights and measures functions under the Act. The Secretary of State shall direct the form and content of the report.
63. During the period of this report the form and content was changed to better integrate into the National Performance Framework initiative being developed by the Department of Trade and Industry. This framework will cease this year and an alternative easy-to-use electronic reporting procedure has been put in place utilising the NWML website.

Section 74

64. Subsection (5) was added to section 74 to allow an inspector, at the request of the Secretary of State, to provide advice and assistance to the Secretary of State in connection with the carrying out by him of any audit or inspection under section 11A or Schedule 3A to the Act. This power has been used frequently throughout the period to evaluate and continually assess the performance of manufacturers, installers and repairers appointed under section 11A of the Act.

Section 75

65. This section provides for offences in connection with the office of inspector. The section was substantially amended by the Deregulation (Weights and Measures) Order 1999 to provide additionally for offences by those companies approved under section 11A of the Act
66. Section 71 of the Act provides for the authority for the Secretary of State to undertake inspections of LWMA to ensure the provisions of the Act are complied with. During the period of this report no formal inspections have taken place. However, a programme of informal visits has been made to those authorities engaged in standards provisions to ensure that appropriate arrangements are in place. Other visits have also been made to individual authorities where issues have arisen that have been quickly resolved.
67. Section 72 was amended by the Weights and Measures (Packaged Goods) Regulations 2006 to include the provisions of the packaged goods regulations in the functions necessary for the efficient discharge of a LWMA's functions.
68. Section 73 (3) that prevented the Secretary of State from granting a certificate under section 73 to anyone under the age of 21 was revoked by SI 2006/1031

69. Various amendments to the powers provisions of section 79 to reflect the changes brought about by the Deregulation (Weights and Measures) Order 1999 and the Weights and Measures (Packaged Goods) Regulations 2006.

Section 73 Certificate of Qualification as an Inspector of Weights and Measures

70. At the beginning of the period of this report the section 73 weights and measures competency qualification was delivered (by the Trading standards Institute) as part of the Diploma in Trading standards (DTS). By the end of the period that qualification has been wholly replaced by the Diploma in Consumer Affairs and Trading Standards (DCATS). This new qualification is modular in nature and still provides the competency assessment framework for the section 73 qualification.
71. The number of candidates sitting the exams, pass rates and annual costs are shown below;

Year	No. of candidates	No of Passes	No of Referrals	No of Failures	Cost of examination per candidate
1995	109	73	32	4	~
1996	83	53	23	7	~
1997	63	40	22	1	~
1998	53	36	17	0	~
1999	59	42	17	0	~
2000	69	57	11	1	~
2001	71	51	20	0	~
2002	75	45	30	0	1350
2003	122	88	32	2	1550
2004	75	52	18	5	1620
2005	88	70	15	3	1635
2006	65	49	15	1	1680
2007	74	56	14	4	1740 (1043)*

~Costs not available examination operated by Local Govt Management Board

*DCATS costs for 2007 is £1043 for non members of the TSI.

The Development of DTS, APEL and DCATS

72. Due to the significant fall in the number of trainees qualifying through the traditional DTS route, which included the intake of students through the Universities. A paper was submitted by the Lead Officer for Education to the DTS Council. The paper recommended the creation of the Accreditation of Prior Experience and Learning (APEL), which would allow the use of the qualifications gained through the Diploma in Consumer Affairs (DCA) or through the demonstration of experience. A panel of representatives was formed to develop this structure. Funding was provided by the DTI to take this forward. The resulting structure was reinforced by the Universities providing an academic structure, but with the capabilities of demonstrating the necessary knowledge through practical means of evidence from the day to day job role. The Universities also provided the final end moderation of the portfolios. Both

the development of APEL and the new DTS format was approved by the DTS Council. The DTS was considered a post graduate qualification.

Trading Standards Qualifications Framework (TSQF) Development

73. The recruitment and retention experienced by the profession as well as the decline in student numbers accessing the trading standards degrees again prompted the development of a more modern examinations and assessment framework.
74. The development of what is now called the Trading Standards Qualifications Framework was approved by the Trading Standards Qualifications Council (TSQC), who was the Awarding Authority for the DTS up until 2005, whose members comprised of interested stakeholders including the DTI.
75. TSQF deliver the Diploma in Consumer Affairs and Trading Standards which incorporates the legal metrology requirements of section 73 of the Weights and Measures Act 1985. The minimum requirement for a Weights and Measures Inspector is a Module Certificate in Legal Metrology, which comprises of the Foundation level plus the Legal Metrology module.
76. The current structure has been designed to be more modular and therefore more flexible, which would allow Local Authority Trading Standards to achieve greater sustainability and development of their Officers whilst maintaining the high levels of competency.

SCHEDULES

Amendment to Schedule 1 - Definitions of Units of Measurement

77. Schedule 1 was amended by virtue of section 1(3) to reflect the changes to the units of measurement provisions in the UK.

APPENDIX 1

Order and regulation making powers and other powers, which it has not been found necessary to exercise during the period of the report

Weights and Measures Act 1985

Section

1(3)	USED
2(2)a	USED
2(2)b	To require that authorised copies of primary standards are re-determined
4(1)	To require local authorities to maintain certain local standards
4(2)	To require local authorities to provide and replace certain local standards and to keep them under certain conditions
4(3)	To direct as to linear or capacity local standards
5(4)	Determine hire charges for testing equipment
5(5)	USED
5(8)	To direct in respect of working standards of linear or capacity measures
5(9)	Regulations relating to working standards
6(1)	USED
6(2)	USED
8(6)a	USED
8(6)b	USED
9(1)	Manner of information for conversion from imperial to metric
9(2)	Display on conversion charts from metric to imperial
10(1)	To make regulations about divisions on linear and capacity measures
10(3)	To make regulations as to equivalent of, or of any multiple units or fraction of, any unit of measurement in schedule 1 in terms of any other such unit
11(9)	USED
11(16)	USED (Alderney and Guernsey)
11A	USED
12(1)	To make regulations on the manner of submitting patterns for approval for use for trade
12(4)	USED
12(8)	To make regulations on the manner and the period in which applications for the renewal of certificates of pattern approval may be made
12(9)	To make regulations on the manner in which the decision on application for the renewal of a certificate is to be given to the applicant
12(12)	To make regulations on the marking of equipment to identify it with

	the approved pattern
14	To make regulations laying down general specifications of equipment for use for trade
15(1)	USED
15(2)	USED (capacity measures 1995)
15(4)	USED
15(5)	USED
18(2)	To direct on appeal a chief inspector of weights and measures to grant a certificate to a keeper of public weighing or measuring equipment.
22(1)	Order making provisions with respect to sale of goods (multiple provisions)
23	Regulations for the packaging and marking of goods
24	Exemptions by order from requirements of sections 21-23
27	Exemptions by order from the requirements of section 26
45(2)	To make an order extending the option of “do it yourself” weighing to specified goods
69(4)	To make an order concerning the jurisdiction of local authorities over coastal and inland waters
70(1)	USED
71	Inspections by the Secretary of State of LWMA
73(1)	USED
73(2)	USED
73(4)	USED
74(5)	USED
84(7)	By order alter penalties imposed under paragraph 24(4) of schedule 5
85(1)	To determine the accuracy of weighing and measuring equipment in connection with court proceedings
86	USED
87	To make a report to parliament
88(1)	Her majesty may by order in council to provide for the applicability to the Crown of any provisions of the Act
89(1)	To make an order prohibiting certain customary units of measurement.
Sch3A	USED
Sch 4(11)	To make an order concerning the sale of ballast in Scotland
Sch 5 (2)	To make an order concerning the sale of fuel in Scotland
Sch 6 (3)	To make regulations as to the temperature and pressure of liquefied gases for the purpose of determining their volume
Sch 11(7)	To make an order repealing overlooked local Acts

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