



STATUTORY INSTRUMENTS.

S.I. No. 488 of 2021

LEGAL METROLOGY (MARKS) REGULATIONS 2021

LEGAL METROLOGY (MARKS) REGULATIONS 2021

I, MAIRÉAD BUCKLEY, Director of Legal Metrology, in exercise of the powers conferred on me by Sections 6, 16 and 17 of the Metrology Act 1996, hereby make the following regulations:

Citation and Commencement

1. (1) These Regulations may be cited as the Legal Metrology (Marks) Regulations 2021.
- (2) These Regulations come into operation on 1 October 2021.

Interpretation

2. (1) In these Regulations —

‘Act’ means the Metrology Act 1996 (No. 27 of 1996);

‘authorised officer’ means an authorised officer within the meaning of the European Union (Non-Automatic Weighing Instruments) Regulations 2018 (S.I. No. 47 of 2018);

‘authorised person’ means—

- (a) an authorised person within the meaning of the Legal Metrology (General) Regulations 2008 (S.I. No. 323 of 2008), or
- (b) an authorised person within the meaning of Part 7 of the European Union (Non-Automatic Weighing Instruments) Regulations 2018 (S.I. No. 47 of 2018);

‘Directive 2014/32/EU’ means Directive 2014/32/EU of the European Parliament and the Council of 26 February 2014¹ on the harmonisation of the laws of the Member States relating to the making available on the market of measuring instruments (recast) (amended by Commission Delegated Directive (EU) 2015/13 of 31 October 2014 amending Annex III to Directive 2014/32/EU of the European Parliament and of the Council, as regards the flowrate range of water meters²);

‘eight character identifier’ means an eight character alphanumeric code in a format to be determined by the Director;

‘personal identifier’ means a personal identification alphanumeric code assigned by the Director under Regulation 4;

‘special body’ means—

- (a) a body authorised under Section 12 of the Act, or

¹ OJ No. L 96, 29.3.2014, p.149

² OJ No. L 3, 7.1.2015, p. 42

(b) a special body within the meaning of the European Union (Non-Automatic Weighing Instruments) Regulations 2018 (S.I. No. 47 of 2018);

‘tamper-evident label’ means a paper label produced for the purposes of detecting when the label has been interfered with and on which information may be printed;

‘tamper-evident plastic seal’ means a plastic seal incorporating wire produced for the purposes of detecting when the seal has been interfered with and on which information may be printed;

‘2018 Regulations’ means the Legal Metrology (European Conformity Assessment of Measuring Instruments) Regulations 2018 (S.I. No. 2 of 2018).

(2) Words and phrases not otherwise defined herein shall have the meanings assigned to them by the Act.

Application

3. These Regulations prescribe the form, design and related matters for stamps and marks to be used —

(a) to signify conformance or non-conformance of measuring instruments with applicable conformity assessment procedures prescribed by regulations made under the Act, other than any conformity assessment procedure leading to the affixation of the CE marking and the supplementary metrology to any measuring instrument under the 2018 Regulations or Directive 2014/32/EU,

(b) to signify conformance or non-conformance of measuring instruments in service in accordance with Part 7 of the European Union (Non-Automatic Weighing Instruments) Regulations 2018 (S.I. No. 47 of 2018),

and

(c) to signify securing of instruments in accordance with Section 17 of the Act.

Identification of inspectors, authorised persons and authorised officers

4. A personal identification number, referred to as a personal identifier, shall be assigned by the Director to each inspector, authorised officer and authorised person according to geographic area, type of work undertaken, or other distinguishing criterion as the Director may deem fit.

Design of marks

5. (1) The design of the verification mark is set down in Figure 1 of the Schedule.

(2) The design of the non-conformity mark is set down in Figure 2 of the Schedule.

(3) The design of the obliteration mark is set down in Figure 3 of the Schedule.

(4) The design of the security mark is set down in Figure 4 of the Schedule.

Stamps – materials and form

6. (1) Stamps for the application of marks may take the form of —

- (a) hard metal,
- (b) tamper-evident labels, or
- (c) tamper-evident plastic seals,

determined by the Director to be suitably durable and robust to apply the marks in foreseeable environmental and operating conditions in which measuring instruments are used.

Requirements for securing instruments

7. An instrument required to be secured in accordance with Section 17 of the Act shall be secured by means of —

- (a) a seal comprising a soft lead disc through which wire is intertwined,
- (b) a tamper-evident label, or
- (c) a tamper-evident plastic seal,

which shall carry the security mark.

Records

8. The Director shall establish and maintain a record of stamps issued by the Director to each special body, inspector and authorised officer and stamps returned to the Director in accordance with Regulation 10.

Simultaneous application of marks

9. Nothing in these Regulations shall prohibit the application of the verification mark and the security mark by use of a single stamp.

Return of stamps

10. Special bodies, inspectors and authorised officers shall return to the Director stamps issued to them that are out of date or taken out of service.

Amendments

11. (1) The Legal Metrology (General) Regulations 2008 (S.I. No. 323 of 2008) are amended in Regulation 2 —

(a) by the deletion of the definitions of ‘non-conformity mark’, ‘obliteration mark’, ‘security mark’ and ‘verification mark’.

(b) by the insertion of the following definitions:

“‘non-conformity mark’ means the non-conformity mark prescribed under the Legal Metrology (Marks) Regulations 2021 (*insert S.I. number of these Regulations*);

‘obliteration mark’ means the obliteration mark prescribed under the Legal Metrology (Marks) Regulations 2021 (*insert S.I. number of these Regulations*);

‘security mark’ means the security mark prescribed under the Legal Metrology (Marks) Regulations 2021 (*insert S.I. number of these Regulations*); and

‘verification mark’ means the verification mark prescribed under the Legal Metrology (Marks) Regulations 2021 (*insert S.I. number of these Regulations*).”

(2) The European Union (Non-Automatic Weighing Instruments) Regulations 2018 (S.I. No. 47 of 2018) are amended in Regulation 45 -

(a) by the deletion of the definitions of “non-conformity mark”, “prescribed mark”, “security mark” and “verification mark”.

(b) by the insertion of the following definitions:

“‘non-conformity mark’ means the non-conformity mark prescribed under the Legal Metrology (Marks) Regulations 2021 (*insert S.I. number of these Regulations*);

‘prescribed mark’ means a mark prescribed under the Legal Metrology (Marks) Regulations 2021 (*insert S.I. number of these Regulations*);

‘security mark’ means the security mark prescribed under the Legal Metrology (Marks) Regulations 2021 (*insert S.I. number of these Regulations*); and

‘verification mark’ means the verification mark prescribed under the Legal Metrology (Marks) Regulations 2021 (*insert S.I. number of these Regulations*).”

Revocation and transition

12. (1) The Legal Metrology (Marks) Regulations 2008 (S.I. No. 296 of 2008) are revoked.

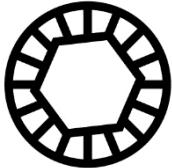
(2) Nothing in these Regulations shall invalidate the meaning or effect of marks or stamps provided for in the Legal Metrology (Marks) Regulations 2008 (S.I. No. 296 of 2008) or the Weights and Measures (Stamps)

6 [488]

Regulations 1958 (S.I. No. 137 of 1958) which have been validly applied to instruments prior to the commencement of these Regulations.

SCHEDULE

Figure 1 – verification mark



Accompanied by –

- (i) the personal identifier of the inspector, authorised officer or authorised person and year of application (two or four digit), or
- (ii) an eight character identifier.

Figure 2 – non-conformity mark



Accompanied by –

- (i) the personal identifier of the inspector or authorised officer and year of application (two or four digit), or
- (ii) an eight character identifier.

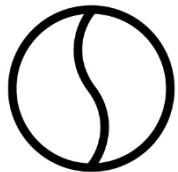
Figure 3 – obliteration mark



Accompanied by –

- (i) the personal identifier of the inspector or authorised officer and year of application (two or four digit), or
- (ii) an eight character identifier.

Figure 4 – security mark



Accompanied by –

- (i) the personal identifier for the inspector, authorised officer or authorised person and year of application (two or four digit), or
- (ii) an eight character identifier.

GIVEN under my hand,
24 September 2021

MAIRÉAD BUCKLEY,
Director of Legal Metrology.

EXPLANATORY NOTE

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

These Regulations revoke and replace and update existing Regulations relating to marks to be applied to measuring instruments to be used or in use for a prescribed purpose under the Act. The design features of the marks remain unchanged from the 2008 Regulations (S.I. No. 296 of 2008) which are revoked and replaced.

The Regulations provide that stamps may be made from hard metal (to which marks may be embossed in relief or engraved), or specially produced tamper-evident paper labels or tamper-evident plastic seals onto which marks can be printed. New methods of control are established to ensure security and traceability for the issue and use of the printed stamps as has been practice for hard metal stamps. The requirements for acceptable sealing and securing arrangements are prescribed.

These Regulations come into effect on 1 October 2021.

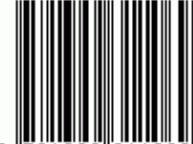
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