

## **Road Tanker mounted Bulk Liquid Fuel Measuring Systems with broken or missing seals**

### **Background**

This guidance relates to a question concerning an operator of road tanker mounted bulk liquid fuel measuring systems, where tankers were being used with broken seals. The vehicles in question were either awaiting a repair, or awaiting a reverification following a repair.

### **Legal Metrological Requirements.**

The Legal Metrology Expert Group has considered this matter and is of the opinion that:-

Regulations 65 and 66 of the Measuring Equipment (Liquid Fuel delivered from Road Tankers) Regulations 1983 and Regulations 23 and 24 of the Measuring Instruments (EEC Requirements) Regulations 1988 contain virtually identically worded provisions allowing meter systems to be lawfully used whilst certain seals are missing. These regulations are, however, in respect of circumstances and are very specific.

The Measuring Instruments Regulations 2016, which implement the Measuring Instruments Directive 2014/ 32 / EU, do not provide for any permissible circumstances where a tanker which is a Regulated Measuring Instrument may be in use for trade with any broken or missing seals.

Pragmatically, it might be argued that discretion could be used if an exposed seal which protected a data plate had been broken because it had been knocked off, and an appointment had been made for it to be replaced.

For reference:-

The Measuring Equipment (Liquid Fuel delivered from Road Tankers) Regulations 1983

*65.—(1) It shall be lawful to destroy, obliterate or deface a stamp on a meter measuring system, and it shall not be a contravention of section 11(2) of the Act to use such equipment for trade during the relevant period by reason only that a stamp on it has been lawfully destroyed, obliterated or defaced (such destruction, obliteration or defacement being in this Regulation referred to as “the occurrence”) if—*

*(a) the person responsible for the occurrence is, or is the duly authorised agent of, the proprietor of the equipment or a person who is the manufacturer, or is regularly engaged in the repair, of equipment for measuring liquid fuel;*

*(b) the occurrence was confined to the stamp protecting the joint in the vent pipe from the gas separator;*

*(c) the occurrence was only to permit the installation of a meter and gas separator bearing undefaced stamps such meter and gas separator having been previously tested and stamped either*

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*as part of that meter measuring system or another of exactly the same pattern delivering the same liquid fuel; and*

*(d) notification in writing complying with paragraph (2) below of the occurrence has been given by the proprietor of the equipment or his duly authorised agent before the occurrence to the chief inspector of weights and measures for the area in which the equipment is situated.*

*(2) The notification referred to in paragraph (1) above shall contain the following information:—*

*(a) the location of, and particulars by which, the road tanker may be identified;*

*(b) the place where the tanker may be inspected;*

*(c) the intended date of the occurrence;*

*(d) the business name and address of the proprietor or other person referred to in paragraph (1)(a) above; and*

*(e) the name and address of the person giving the notification.*

*(3) In paragraph (1) above “relevant period” means a period of 7 days beginning with the day on which the notification is given in accordance with that paragraph.*

**66.**—*(1) It shall be lawful to destroy, obliterate or deface a stamp on a meter measuring system, and it shall not be a contravention of section 11(2) of the Act to use such equipment for trade during the relevant period by reason only that a stamp on it has been lawfully destroyed, obliterated or defaced (such destruction, obliteration or defacement being in this Regulation referred to as “the occurrence”) if—*

*(a) the person responsible for the occurrence is, or is the duly authorised agent of, the proprietor of the equipment or a person who is the manufacturer, or is regularly engaged in the repair, of equipment for measuring liquid fuel;*

*(b) the occurrence was confined to the stamp protecting a part of the meter measuring system other than the joint in the vent pipe from the gas separator;*

*(c) after the occurrence access cannot be gained to the calibration mechanism of the meter; and*

*(d) notification in writing complying with paragraph (2) below of the occurrence has been given by the proprietor of the equipment or his duly authorised agent before the occurrence to the chief inspector of weights and measures for the area in which the equipment is situated.*

*(2) The notification referred to in paragraph (1) above shall contain the following information:—*

*(a) the location of, and particulars by which, the road tanker may be identified;*

*(b) the place where the tanker may be inspected;*

*(c) the intended date of the occurrence;*

*(d) the business name and address of the proprietor or other person referred to in paragraph (1)(a) above; and*

*(e) the name and address of the person giving the notification.*

*(3) In paragraph (1) above “relevant period” means a period of 28 days beginning with the day on which the notification referred to in that paragraph is given in accordance with that paragraph.*

### The Measuring Instruments (EEC Requirements) Regulations 1988` 1988

**23.—(1)** *It shall be lawful to destroy, obliterate or deface a mark of EEC initial verification on a meter measuring system, and it shall not be a contravention of section 11(2) of the Act to use such equipment for trade during the relevant period by reason only that such a mark on it has been lawfully destroyed, obliterated or defaced (such destruction, obliteration or defacement being in this Regulation referred to as “the occurrence”) if—*

*(a) the person responsible for the occurrence is, or is the duly authorised agent of, the proprietor of the equipment or a person who is the manufacturer, or is regularly engaged in the repair, of equipment for measuring liquid fuel;*

*(b) the occurrence was confined to the mark protecting the joint between the gas separator and its vent pipe;*

*(c) the occurrence was only to permit the installation of a meter and gas separator bearing undefaced marks, such meter and gas separator having previously had affixed to them the mark of EEC initial verification either as part of that meter measuring system or another of exactly the same pattern delivering the same liquid fuel; and*

*(d) notification in writing complying with paragraph (2) below of the occurrence has been given by the proprietor of the equipment or his duly authorised agent before the occurrence to the chief inspector for the area in which the equipment is situated.*

*(2) The notification referred to in paragraph (1) above shall contain the following information—*

*(a) the location of, and particulars by which, the road tanker may be identified;*

*(b) the place where the tanker may be inspected;*

*(c) the intended date of the occurrence;*

*(d) the business name and address of the proprietor or other person referred to in paragraph (1)(a) above; and*

*(e) the name and address of the person giving the notification.*

*(3) In paragraph (1) above “relevant period” means a period of 7 days beginning with the day on which the notification referred to in that paragraph is given in accordance with that paragraph.*

**24.—(1)** *It shall be lawful to destroy, obliterate or deface a mark of EEC initial verification on a meter measuring system, and it shall not be a contravention of section 11(2) of the Act to use such equipment for trade during the relevant period by reason only that such a mark on it has been lawfully destroyed, obliterated or defaced (such destruction, obliteration or defacement being in this Regulation referred to as “the occurrence”) if–*

*(a) the person responsible for the occurrence is, or is the duly authorised agent of, the proprietor of the equipment or a person who is the manufacturer, or is regularly engaged in the repair, of equipment for measuring liquid fuel;*

*(b) the occurrence was confined to the stamp protecting the ticket printing mechanism;*

*(c) after the occurrence access cannot be gained to the calibration mechanism of the meter; and*

*(d) notification in writing complying with paragraph (2) below of the occurrence has been given by the proprietor of the equipment or his duly authorised agent before the occurrence to the chief inspector for the area in which the equipment is situated.*

*(2) The notification referred to in paragraph (1) above shall contain the following information–*

*(a) the location of, and particulars by which, the road tanker may be identified;*

*(b) the place where the tanker may be inspected;*

*(c) the intended date of the occurrence;*

*(d) the business name and address of the proprietor or other person referred to in paragraph (1)(a) above; and*

*(e) the name and address of the person giving the notification.*

*(3) In paragraph (1) above “relevant period” means a period of 28 days beginning with the day on which the notification referred to in that paragraph is given in accordance with that paragraph.*

In offering this advice LMEP wishes to make clear:

- The advice is result of agreement between enforcement duty holders in the UK participating in the LMEP. Where other interested organisations are involved – this is indicated.
- Advice is independent of the UK government or UK government agencies
- Only a court of law can interpret legislation with authority

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- The advice given is subject to revision in the light of further information
- The advice is not intended to be a definitive guide to, or substitute for, the relevant law.
- Independent legal advice should always be sought if appropriate.
- This guidance is not intended to cover every situation and you may need to carefully consider how the regulations (and any other relevant legislation) applies in your specific circumstances. However, following this guidance should help you to understand how to comply with your obligations under the regulations and the law.