

## Missing/Unreadable Stickers on Weighing and Measuring Instruments

**A question has been raised concerning missing stickers on weighing and measuring instruments.**

**The Legal Metrology Expert Panel has considered this matter and offers the following points for consideration**

The question has again been raised concerning the situation whereby a non-automatic weighing instrument has been found in use that, whilst being accurate on inspection, bore no verification / re-verification or green M sticker (being an older instrument), as they had become removed due to fair wear and tear.

The legal basis for disqualification of a NAWI can be found in Regulation 67 of [The Non-automatic Weighing Instruments Regulations 2016](#) which reads:-

67.—(1) Where the circumstances in paragraph (2) apply, an inspector may affix a disqualification mark to a regulated non-automatic weighing instrument which bears the—

(a) UK marking;

(b) M marking; and

(c) identification number of the approved body which carried out the conformity assessment procedure in respect of the instrument

(2) The circumstances referred to in paragraph (1) are that the instrument is used for any of the purposes listed in regulation 3(2) in circumstances where—

(a) the instrument does not conform to the essential requirements;

(b) the instrument does not conform to any type examination certificate issued in relation to it;

(c) by reason of any adjustment, alteration, addition, repair or replacement it is likely that the instrument has ceased to be compliant with the essential requirements; or

(d) any requirements applicable to the instrument by virtue of Part 7 are not met.

(3) Where one or more of the markings and identification requirements referred to in paragraph (1) is not affixed to a regulated non-automatic weighing instrument, the inspector may affix a disqualification mark to the instrument.

(4) Where it appears to the inspector that the nature or degree of non-compliance of the regulated non-automatic weighing instrument under paragraph (1) is not such that a disqualification mark should be immediately affixed to it, the inspector may give to any person in possession of the instrument a notice requiring the person to ensure that the instrument is made to comply with the

essential requirements before the expiry of 21 days from the date of the notice or such longer period as may be specified in the notice.

The following notes are intended to give guidance as to what an inspector needs to consider when deciding which course of action available under the law they should take.

It is, of course, a decision that the inspector is free to make. The Panel are of the view that a time notice under Regulation 67(4) is not an option as this refers back to Regulation 67(1) and presumes that all relevant markings are present.

This matter was considered several years ago by NWML / NMO who had answered a question as follows: -

*The non-automatic weighing instruments used on the delicatessen counter of a local supermarket have to be washed down daily with a caustic soda solution. The continued cleaning has removed the Notified Body Number from the Verification Sticker. What should I do about this?*

- *If the number of the Notified Body responsible for carrying out the Initial Verification has been removed for whatever reason, then the instrument does not continue to meet the requirements of Regulations 11 and 18 of the Non-automatic Weighing Instruments (EEC Requirements) Regulations 1995 and must be brought back into compliance.*
- *Where the user is aware of the original Notified Body Number then the Notified Body should be contacted and arrangements made for a new sticker to be placed on the Instrument. However where this is not possible, arrangements should be made for the instrument to be re-qualified (following disqualification under Regulation 24) in accordance with Regulation 11(7) and the number of the Notified Body conducting the re-qualification should be placed on the instrument along with the re-qualification sticker.*
- *In order to prevent the destruction of the verification stickers due to the cleaning requirements of food hygiene regulations, consideration should be given to coating the stickers after application with a clear substance such as varnish or lacquer.*

The problem of erosion of stickers due to wear and cleaning was recognised, and other specific examples including Baggage Weighers at Airports were found.

It was, therefore, recognised that stickers do get compromised, especially in the food industry where there is a need for frequent and effective cleaning, or where they are subject to abrasion.

As an example, NMO noted in the February 2012 Guidance on the Measuring Instruments (Beltweighers) Regulations 2006, that 'The new stickers have been tested and performed well in a harsh cleaning environment and have been found to meet the requirements applicable in the food industry'.

It is suggested that this is a further acknowledgement of the existence of the aforementioned problem.

The Legal Metrology Expert Panel has considered this ongoing problem and are of the opinion that where an instrument is found in service that is within inspection tolerances but has one or more stickers missing or it is unreadable, the following approach may be helpful when an Inspector is considering what action to take: -

- If the specific instrument had been previously installed in the same premises with all the required markings present *and there is a record of this*, it should be accepted as such and allowed to continue in service
- If there is no record of the instrument having previously been installed on the premises, and there is no evidence of it having been previously qualified or re-qualified, it should be rejected.

Whilst in the case of the former situation, it might be felt appropriate to re-apply stickers, cover them with varnish and not to charge the user, it is accepted that the appropriate stickers might not be available.

It is the view of the Legal Metrology Expert Panel that the key to the decision as to whether the instrument should be left in service is the identification and history of the instrument.

This Guidance may be considered applicable to all stickers on weighing or measuring equipment. If they are missing due to fair wear and tear, but the instrument is traceable and identifiable, as long as it remains in the same location, the missing stickers are not necessarily a problem.

If, for example the instrument did not have an identification number, the lack of stickers would not be acceptable and requalification would be required

**In summary, if it is not traceable, the instrument should be rejected under Regulation 67(3). The Panel are of the view that a time notice under Regulation 67(4) is not an option as this refers back to Regulation 67(1) and assumes that all relevant markings are present.**