

**EXPLANATORY MEMORANDUM TO
THE MEASURING EQUIPMENT (LIQUID FUEL AND LUBRICANTS)
(AMENDMENT) REGULATIONS 2006**

2006 No. 2234

1. This explanatory memorandum has been prepared by the National Weights and Measures Laboratory, an Executive Agency of the Department of Trade and Industry and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 These Regulations further amend the Measuring Equipment (Liquid Fuel and Lubricants) Regulations 1995.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 An amendment to the 1995 Regulations, made in 2003, introduced a labelling provision which required pumps to indicate the type of motor fuel dispensed by displaying the relevant British Standards reference number. The reference number included the year in which the standard was made. Consequently any changes to the standards required further legislative changes to the Regulations to keep the labelling requirements in step with those British Standards references.

The recent Measuring Instrument (Liquid Fuel and Lubricants) Regulations 2006 (SI 2006 no1266), which implemented the Measuring Instruments Directive for instruments for measuring liquid fuel and lubricants, only mandates pumps to be marked in a manner which is sufficiently clear to enable the buyer to identify the product which that instrument dispenses.

The proposed amendment to the 1995 Regulations would introduce a similar simple requirement for pumps to which those Regulations relate.

The intention is to make these 2006 amendment Regulations so that they can come into force at the same time as the Measuring Instruments (Liquid Fuel and Lubricants) Regulation 2006 on 30 October 2006. This will mean that on and after that date all instruments used for trade to dispense liquid fuel and lubricants will be subject to the same labelling requirements.

5. Extent

5.1 This instrument applies to Great Britain.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 It had become apparent that the requirement for pumps to display the type of motor fuel dispensed by reference to the British Standards reference number was causing difficulties to business particularly when the reference number changed following a revision of one of the standards. Consequently with any changes to the standards the Regulations became out of date in relation to the composition and content of the fuel, giving rise to legal uncertainty. It was not envisaged back in 2003 that a significant number of changes would be made to the fuel standards such that the 1995 Regulations would more often than not be out of date.

The actual composition and content of motor fuel is covered by separate legislation in the Motor Fuel (Composition and Content) Regulations 1999. This is the regulatory responsibility of the Department for Transport.

The Measuring Instrument (Liquid Fuel and Lubricants) Regulations 2006 (SI 2006 no1266), which implemented the Measuring Instruments Directive for instruments for measuring liquid fuel and lubricants, only mandates pumps to be marked in a manner which is sufficiently clear to enable the buyer to identify the product which that instrument dispenses. The proposed amendment to the 1995 regulations would introduce a similar simple requirement for pumps to which those Regulations relate to be marked in a manner which is sufficiently clear to enable the buyer to identify the product which that instrument dispenses. The marking requirement does not apply where measuring equipment is used in the absence of the buyer.

Who has been consulted?

A limited consultation exercise has taken place with stakeholders. All comments received have been considered and no changes made. Extensive consultation took place in relation to the Measuring Instrument (Liquid Fuel and Lubricants) Regulations 2006 which includes a similar provision. Details of the Government response to that consultation can be found on the NWML web-site using the link below:-

<http://www.nwml.gov.uk/Docs/MID/MID%202nd%20Consultation%20Government%20Response.pdf>

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

The impact in respect of these Regulations is deregulatory and imposes a similar simplified labelling requirement as in the (Liquid Fuel and Lubricants) Regulations 2006 (S.I. 2006/1266). An RIA for those Regulations was produced and copies can be obtained from the National Weights and Measures Laboratory, Stanton Avenue,

Teddington, Middlesex TW11 OJZ or from its website at www.nwml.gov.uk. Copies have been placed in the libraries of both Houses of Parliament.

8.2 The impact on the public sector is Local Weights and Measures Authorities, rather than using this legislation in relation to the regulation of the composition and content of fuel, must now refer to the Motor Fuel (Composition and Content) Regulations 1999, as amended.

9. Contact

Peter Edwards at the National Weights and Measures Laboratory, Tel: 020 8943 7298 or e-mail: peter.edwards@nwml.gov.uk can answer any queries regarding the instrument.