

DRAFT WEIGHTS AND MEASURES (PATTERN APPROVAL) RULES 2020

Under Sections 19, 22(d) and 22(h) of the Weights and Measures Act, Cap 103

In EXERCISE of powers conferred upon the Minister under Sections 19, 22(a), 22(f) and 43 of the Weights and Measures Act, these Rules are made thisth day of2020

Title and Commencement.

1. (1) These Rules may be titled as the Weights and Measures (Pattern Approval) Rules, 2020;
1 (2) These Rules shall be deemed to have come into force on the (Date)

2. In these Rules, unless the context otherwise requires,

“**Act**” means the Weights and Measures Act, Cap 103;

“**Inspector**” has same meaning under the Weights and Measures Act;

“**Director**” means the Director of UNBS;

“**UNBS**” means Uganda National Bureau of Standards;

“**EAC**” means East African Community;

“**Legal Metrology**” means a department under UNBS, which handles measurements regulated by statutory requirements;

“**Equipment**” means a weighing or measuring equipment submitted to the Inspector for pattern approval;

“**Initial verification**” means a series of tests and visual examinations carried out to determine whether an equipment manufactured to replicate a given pattern conforms to that pattern and to Regulations, and that its metrological characteristics lie within the limits required for initial verification of copies of that pattern;

“**Pattern Approval**” means the recognition that the pattern conforms to relevant statutory requirements and relates to the equipment of the class produced by the manufacturer and results in the issuance of the pattern approval certificate;

“**Copy of a pattern**” means an individual equipment which conforms, within specified limits, to a given pattern in all respects;

“**Fees Rules**” means the Weights and Measures (Testing and Stamping Rules) of 2017

“**Pattern approval certificate**” means a document certifying that Pattern approval has been granted.

“**Pattern approval mark**” means a mark applied to an equipment certifying its conformity to the approved pattern;

“**Issuing authority**” means a body legally authorised to issue Pattern Approval certificates after due Pattern Approval process.

“**Person**” has same meaning under the Penal Code Act; Cap 120

“**Weight**” has same meaning under the Weights and Measures Act; and

“**CoC**” means OIML Certificate of Conformity

“**Pattern (Type)**” means an equipment of the same manufacturer, which have similar characteristics with respect to their purpose, use, principles of construction, shape, components, materials and metrological characteristics, and can differ as regards the range of measurement and nominal values;

“**Ancillary device**” means a device intended to perform functions, directly involved in elaborating, transmitting or displaying measurement results. Ancillary device may or may not be subjected to Legal Metrology control, according to its functions in the measuring system or to national regulations

“Initial verification” means the verification of an equipment which has not been verified previously. Under the law, every such equipment to be used in regulated areas has to be initially verified and stamped before being released for use or even sold to the user.

“Subsequent verification” of an equipment means mandatory periodic verification, verification after repair, and voluntary verification. It may be carried out before expiry of the period of validity of a previous verification either at the request of the user (owner) or when its verification is declared to be no longer valid.

“Metrology” means science of measurements

‘OIML’ means International Organisation of Legal Metrology

1. These Rules shall apply to equipment submitted by any person to an Inspector for pattern approval in accordance with the Act.
2. Every application shall be accompanied by two copies with the following information:
 - (1) a drawing of the general arrangement and metrological details of the equipment including schematic diagrams and photographs showing the front, rear and side views of the equipment;
 - (2) the technical and service manual of the equipment and a document describing the following:
 - (a) the principal of construction and the method of operation of the equipment;
 - (b) the safety devices provided to prevent any fraudulent or inaccurate operation of the equipment;
 - (c) the manner in which and the extent to which the equipment may be adjusted or corrected;
 - (d) the place where the verification stamp or seal, or both, may be applied as provided under the Act; and
 - (e) Any other information, which the applicant or Inspector may consider to be useful for ascertaining the performance, and facilitating the approval, of the equipment.
3. Application for the approval of any pattern of equipment shall be made in English to the Inspector, in writing, and shall contain the following, namely:
 - (1) full name and address of the person submitting the pattern (herein after referred to as the applicant), or, where the applicant is not resident in East Africa, the name and address of his representative in East Africa;
 - (2) the trade name or type of the equipment;
 - (3) description of the equipment, its intended use and, the accuracy class to which it belongs;
 - (4) A comprehensive description of how the equipment functions must be submitted. In the case of a modification, include a list detailing all differences between original approval and modified instrument
4. For the purpose of examination and testing for approval under these Rules, every application shall be accompanied by one weight, measure or equipment and software, as the case may be, representative of the pattern to be approved together with the appropriate fee provided under the Weights and Measures (Testing and Stamping Fees) Rules.
5. Where an equipment is provided with additional devices, full information with regard to any such additional device and its relationship to the said equipment shall also be submitted with the application
6. In an application for weighing and measuring equipment with embedded software, the software shall be uniquely identified. A version number shall be adapted in case of every software change that may affect the functions and accuracy of the equipment. Embedded

software - the manufacturer/agent shall describe or declare that the software of the instrument or module is embedded, i.e., it is used in a fixed hardware and software environment and cannot be modified or uploaded via any interface or by other means after securing a verification stamp. In addition to requirements under Rule 2 and 3, the manufacturer/agent shall submit the following:

- (1) Description of the metrologically relevant functions
 - (2) Software identification (fixed version number).
 - (3) Securing measures foreseen to provide for evidence of an intervention
 - (4) Sample of instruments for laboratory evaluation - An operational instrument shall be provided for the laboratory evaluation.
 - (5) Sample of the instrument for field tests - The installation of the instrument on site and the provision of test equipment is the responsibility of the submitter.
7. Where the principles of construction and operation of any pattern submitted for approval are similar to those of a previously approved one, the approval of the submitted pattern may be made on the basis of documents submitted along with the application of such approved pattern, from the same manufacturer.
8. Every pattern submitted for approval shall be tested in accordance with such test procedures as may be laid down, or amended by the person delegated by the Minister in relation to the type of equipment to which such model pertains and at such place as the Inspector may specify;
9. Where, after the completion of the tests, the Inspector is satisfied that the pattern complies with the requirements under the Act and these Rules, he shall forward the draft Pattern Approval Certificate to the person delegated by the Minister, for approval. The certificate in respect of the submitted pattern will be issued subject to the following conditions:
- (1) The Pattern approval certificate shall become effective from the date of issue;
 - (2) The applicant shall affix or cause to be affixed, on each equipment, conforming to the approved pattern, the approval number shown in the certificate;
 - (3) Where a pattern approval in respect of equipment is not extended, the approval shall continue to apply to such equipment which are already in service
 - (4) A pattern approval shall be valid for 5 years from the date it is granted.
 - (5) The validity of a pattern approval may be extended for successive periods of 5 years;
 - (6) Provided that the approval number or any mark thereof, so applied as a sign of approval, shall not be construed to have the same meaning as a verification stamp envisaged under Section 18 of the Act;
 - (7) No limit shall apply to the number of equipment which may be manufactured in accordance with an approved pattern;
 - (8) The certificate shall be accompanied with results of the examination of the pattern and shall specify other requirements which must be complied with;
 - (9) Where any weight, measure or equipment is approved for a special use, the certificate of approval in respect of such weight, measure or equipment shall indicate the special use;

- (10) The Pattern Approval certificate shall be accompanied by descriptions, drawings and diagrams necessary to identify the pattern and to explain its functioning.
 - (11) The sign of approval provided for in sub-Rule 6 above shall be decided by UNBS. The sign of Approval shall be affixed or printed by the manufacturer onto equipment manufactured to replicate the approved pattern, in accordance with the provisions of these Rules, and shall be affixed at a visible point of each equipment and all ancillary devices submitted for initial verification, and must be legible and indelible.
 - (12) At the time of announcement of approval, the party concerned shall be notified, and copies of the Pattern Approval Certificate shall be availed to the public including other EAC member states, if so requested;
 - (13) Withdrawal of Pattern Approval Certificate and other communications concerning the extent and validity of pattern approval shall also be subject to the announcement procedure mentioned above.
 - (14) All Pattern Approval Certificates shall be registered only after the fee, provided under Rule 4, has been collected. UNBS shall maintain lists of registered certificates, permanently available to all other EAC member states. Use of a registered certificate and the associated test report may be used by its owner, in support of an application for initial verification in another EAC member state. It is the responsibility of the applicant to give evidence, upon request, that the pattern presented is identical to the pattern identified by the certificate;
10. In addition, by agreement with the applicant, the tested samples may be kept by UNBS, a testing laboratory, or the applicant, the decision taking into account the size and the commercial value of samples;
11. The person delegated by the Minister may reject any application for the approval of a pattern of equipment if, after the completion of the tests on the submitted pattern, he/she is of the opinion that the pattern does not comply with the requirements of the Act and these Rules.
- (1) Where any submitted pattern is not approved, it may be re-submitted for approval after carrying out such modifications as may be necessary on the pattern.
 - (2) Where any disapproved pattern is resubmitted for approval, it shall be deemed, for the purposes of levy of fees and tests under these Rules, to be a fresh application for the approval of that pattern of equipment; and
 - (3) The Inspector may require the applicant to put, at his disposal, Standards and

appropriate means, in terms of material and personnel, to assist in the performance of approval tests.

12. The person delegated by the Minister may revoke any Pattern Approval Certificate issued by him/her if he/she is satisfied that –

- (1) defects with regard to reliability, accuracy or metrological performance have been noticed in any equipment of the approved pattern in the course of its use; or
- (2) the manufacturer or applicant has failed to follow, either wholly or partly, the conditions specified in the certificate:

13. Other conditions for revocation of Pattern Approval certificate are:

- (1) Where a certificate of approval has been revoked, the production or sale of any weight, measure or equipment of a pattern conforming to the revoked certificate shall cease from such date as may be specified in the order of revocation.
- (2) The person delegated by the Minister may reject a pattern approval granted by another member state where—
 - (a) the equipment in respect of which the approval was granted do not conform to the approved pattern or to the law of the EAC State which approved the pattern relating to that equipment;
 - (b) the metrological requirements specified in the Pattern Approval Certificate are not met;
 - (c) a restriction imposed in accordance with Rule 15 under the Fourth Schedule to these Rules, is not complied with; or
 - (d) The person delegated by the Minister ascertains that approval was granted in an improper manner.

14. The the person delegated by the Minister shall withdraw a pattern approval granted by him or her where the equipment constructed in accordance with the approved pattern reveal, in service, a defect of a general nature which makes them unsuitable for their intended use.

15. Where the person delegated by the Minister is notified by a competent authority in another EAC Member State that a circumstance is affecting or has affected an equipment in respect of which he/she granted a pattern approval, he/she may, following consultation with that competent authority, withdraw the pattern approval

16. Where the person delegated by the Minister determines that any circumstance is affecting or has affected an equipment in respect of which a pattern approval has been granted by the competent authority in another EAC Member State, and so informs that competent authority, he/she may prohibit the placing on the market and putting into service of the equipment concerned until further notice.

17. Where the person delegated by the Minister prohibits the placing on the market and

putting into service of an equipment, in accordance with Rule 15, he or she may inform the competent authorities in other EAC Member States, stating the reasons on which his or her decision is based.

18. Where a dispute arises between or among competent authorities, the person delegated by the Minister will endeavour to resolve the dispute with the competent authority.
19. Where the person delegated by the Minister has granted pattern approval in respect of an equipment, the manufacturer of the equipment or, where the manufacturer is not established within EAC, the representative of the manufacturer established within EAC, shall notify him/her, as soon as reasonably practicable, of any modification or addition to the approved pattern.
20. Where the person delegated by the Minister receives a notification in accordance with Rule 18, he may notify the competent authorities in the other EAC Member States of the modification or addition, as the case may be, to the approved pattern.
21. Where the person delegated by the Minister has granted pattern approval in respect of an equipment, the manufacturer of the equipment or, where the manufacturer is not established in the EAC, the representative of the manufacturer established within the EAC, shall apply for additional pattern approval for a modification or addition to an approved pattern in a case in which that modification or addition, as the case may be, would or may influence measurement results or the prescribed conditions for use of the equipment.. Such application and subsequent modification or addition under this Rule will not affect the status of the Pattern Approval Certificate already issued.
22. Where the pattern has been approved by another EAC pattern member state, the application shall be accompanied by documents relevant to the approvals already granted. (Upon proper authentication of the documents, the person delegated by the Minister may direct that the equipment undergoes initial verification).
23. When pattern approval is granted for ancillary device by the person delegated by the Minister, the approval shall specify—
 - (1) the patterns of each equipment to which the ancillary device may be attached or in which it may be incorporated; and
 - (2) the general conditions for the overall functioning of the equipment for which it is approved.
24. The the person delegated by the Minister may recognise Pattern Approval Certificates already approved by other EAC, international or recognised issuing authorities as follows:
 - (1) For OIML, Certificate of Conformity (CoC) (in English) is required when it accompanies the application for pattern approval;
 - (2) Copy of the associated OIML Test Report; and
 - (3) Declaration of authenticity of the OIML CoC and Test Report.

25. The test report shall, at least, include the following:
- (1) the name and address of the laboratory that performed the tests, with a statement of compliance with the guidelines;
 - (2) reference (number and year when submitted for pattern approval);
 - (3) identification of the pattern of equipment (e.g. designation, description, external and internal photographs, marking, inscriptions, specifications, electronic circuitry and parts list, accuracy class etc.;
 - (4) identification of the samples tested;
 - (5) the name and address of the manufacturer;
 - (6) the name and address of the applicant for the certificate;
 - (7) the date (period) of the tests;
 - (8) the place of testing;
 - (9) the specific conditions of the tests, if applicable;
 - (10) the test results;
 - (11) The test report shall be dated, signed, and provided with a unique identification number by the responsible person of the laboratory or of the issuing authority;
 - (12) The test report shall be in English;
 - (13) UNBS shall keep on file the information provided with the application and a copy of the test report;
26. The person delegated by the Minister may set restrictions and conditions of use of the pattern for maintenance of metrological requirements
27. Any equipment with a Pattern Approval Certificate from any EAC member state shall be subjected to initial verification before placing the equipment on the market or into service.
28. These Rules shall not apply to equipment found in service before commencement of these Rules.
29. Any person who causes or engages in production or sale of weight, measure or equipment whose pattern has not been approved by the Inspector, or where a certificate of approval has been revoked in accordance with these Rules, commits an offence and, on conviction, pays a fine of not more than five thousand shillings in respect of each weight, measure or equipment made or sold, or imprisonment of not more than three months or both fine and imprisonment.

FIRST SCHEDULE
OTHER DOCUMENTS WHICH MAY BE REQUIRED DURING APPLICATION FOR
PATTERN APPROVAL

- 1) Calibration manual.
- 2) Components list.
- 3) Component layout.
- 4) Circuit diagrams.
- 5) Mechanical drawings.
- 6) Drawings and description of method of securing the instrument.