The purpose of this bulletin is to clarify Measurement Canada’s policy regarding devices that are conditionally approved\(^1\) under subsection 3(2) of the Weights and Measures Act, or subsection 9(4) of the Electricity and Gas Inspection Act. The bulletin categorizes the Notices of Conditional Approval (NOCA) and specifies the terms and conditions under which they are to be issued. It also provides guidelines for ensuring that proper disclosure and notification occur prior to a device being inspected.

**2.0 Scope**

This bulletin is applicable to devices that are subject to the Weights and Measures Act and meters subject to the Electricity and Gas Inspection Act, that are conditionally approved for use in trade.

**3.0 Authority**

The authority to impose restrictions and request disclosure and notification on NOCA stems from either subsection 3(2) of the Weights and Measures Act, which allows the Minister to grant approvals under specified terms and conditions, or section 15 of the Electricity and Gas Inspection Regulations which states that the Director shall specify in writing, in the approval, any conditions to which the approval is subject.

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\(^1\) The term “conditional approval” has been used in place of “temporary approval” since April 1, 1987.
4.0 Terminology

4.1 In this document:

Device
Means a device or component that is subject to the *Weights and Measures Act*, or a meter or apparatus subject to the *Electricity and Gas Inspection Act*.

Inspector
Means a Measurement Canada regional specialist or inspector, or an authorized service provider (ASP) recognized technician.

5.0 Background

Notices of Conditional Approval may be granted by Measurement Canada (MC) under two main circumstances:

a) the device or one or more of its functions is evaluated against Terms and Conditions of the *Weights and Measures Act*, or Provisional Specifications of the *Electricity and Gas Inspection Act*, as listed in the appendix of bulletin GEN-06[^1]. Under these circumstances, the device has been evaluated and found to comply by MC’s Approval and Calibration Services Laboratory (ACSL). In such cases, the NOCA will expire upon adoption of the Terms and Conditions or Provisional Specifications as Specifications, unless permitted by transitory measures announced at the time of promulgation. Devices installed and initially inspected under the authority of such a conditional approval may require subsequent modifications by the applicant (or seller) to comply with the adopted Specifications; and/or

b) the device cannot be fully evaluated by the ACSL and the applicant (or seller) has demonstrated that it is essential to install the device for use in trade in order to complete the approval testing. Under these circumstances the NOCA and all associated inspection / verification certificates will expire on the date stated in the Notice of Conditional Approval, unless it is replaced by a Notice of Approval or an extension is authorized in writing by MC.

5.1 NOCA have historically stated that the approval applicant (or seller) is responsible for the disclosure of certain information to the purchaser prior to concluding the sale of a conditionally approved device, and to notify Measurement Canada of the sale of such devices. Disclosure and notification enable purchasers to make informed choices when purchasing a device and allow MC to monitor the installation and plan for the inspection of these devices.
6.0 Policy

6.1 Naming Convention for NOCA

6.1.1 NOCA granted under the circumstances described in 5.0(a) above shall be identified with the suffix “C” appended to the Notice of Conditional Approval number (e.g., AE1234C).

6.1.2 NOCA granted under the circumstances described in 5.0(b) above shall be identified with the suffix “D” appended to the Notice of Conditional Approval number (e.g., AM1234D). This type of NOCA applies to devices subject to the *Weights and Measures Act and Regulations* only, and is not applicable to devices subject to the *Electricity and Gas Inspection Act and Regulations*.

6.1.3 NOCA granted to devices that satisfy both 5.0(a) and 5.0(b) circumstances shall be identified with the suffix “D” appended to the Notice of Conditional Approval number. As above, this type of NOCA is only applicable to devices subject to the *Weights and Measures Act and Regulations*.

6.2 Requirements and Disclosure of NOCA

6.2.1 Devices subject to Terms and Conditions or Provisional Specifications - Type “C” Conditional Approvals

6.2.1.1 If found to comply, devices that are subject to Terms and Conditions of the *Weights and Measures Act*, or Provisional Specifications of the *Electricity and Gas Inspection Act* will be granted a type “C” NOCA, as per bulletin GEN-06. The approval applicant (or seller) of a type “C” NOCA is not required to make any specific disclosure to the purchaser.

6.2.1.2 In such cases, the NOCA shall prescribe the terms and conditions under which the type “C” Conditional Approval is granted, including:

   a) the title and effective date of the Terms and Conditions of the *Weights and Measures Act*, or Provisional Specifications of the *Electricity and Gas Inspection Act* that was used for the evaluation;

   b) a statement to the effect that the NOCA will expire upon adoption of the Terms and Conditions or Provisional Specifications as Specifications, and that no further devices will be authorized to be placed into service unless permitted by transitory measures announced at the time the Specification is adopted; and,

   c) a statement to the effect that devices installed and initially inspected under the authority of the NOCA may require subsequent modifications by the approval applicant (or seller) in order to comply with the adopted Terms and Conditions of the *Weights and Measures Act* or Provisional Specifications of the *Electricity and Gas Inspection Act* as Specifications.
6.2.2 Devices that require installation to complete the evaluation by ACSL - Type “D” Conditional Approvals

6.2.2.1 Devices that cannot be fully evaluated for approval by MC’s ACSL and that are installed for use in trade to complete the approval testing, will be granted a type “D” NOCA. Prior to concluding the sale of a device having received a type “D” Conditional Approval, the approval applicant (or seller) is required to disclose, to the purchaser, the information specified on the NOCA and presented below.

6.2.2.2 In such cases, the NOCA will prescribe the terms and conditions under which the type “D” Conditional Approval is granted, including, but not limited to:

a) a statement to the effect that any non-compliance with the regulations and specifications that govern the Conditional Approval will be resolved by the approval applicant (or seller); and,

b) a statement to the effect that final full approval is contingent on the results of in-situ approval testing on devices in service, and that it is the responsibility of the applicant (or seller) to request a full Notice of Approval and pay all associated costs; and,

c) a statement to the effect that the approval applicant (or seller) is required to disclose these first two conditions to the purchaser prior to concluding the sale of such a device; and,

d) a statement to the effect that the device is no longer legal for use in trade after expiry of the NOCA unless an extension is authorized in writing by MC.

e) a statement as to the number of devices that are authorized to be installed for use in trade for the purpose of completing the approval testing.

f) a statement to the effect that the approval applicant (or seller) is required to notify the ACSL in writing, of all planned installations of devices, as per subsection 6.3.1.

6.2.3 Devices that satisfy both 5.0(a) and 5.0(b) circumstances - Type “D” Conditional Approvals

6.2.3.1 Devices that are subject to Terms and Conditions of the Weights and Measures Act and that cannot be fully evaluated for approval without being installed for use in trade, will be granted a type “D” NOCA. Prior to concluding the sale of such devices, the approval applicant (or seller) is required to disclose, to the purchaser, the information specified on the NOCA, as per paragraph 6.2.2.2(c).
6.2.3.2 In such cases, the NOCA will prescribe all nine (9) terms and conditions listed in subsections 6.2.1.2 and 6.2.2.2 above.

6.2.4 **Written disclosure for type “D” Conditional Approvals**

6.2.4.1 The required disclosures to the purchaser in all type “D” Conditional Approvals shall be in writing and shall be in the same words as in the NOCA or in other words that convey the same meaning.

6.3 **Written Notification to Vice-President for type “D” Conditional Approvals**

6.3.1 In addition to disclosing to the purchaser the prescribed terms and conditions identified in section 6.2 of this bulletin, the approval applicant (or seller) of type “D” Conditional Approvals will notify the Vice-President, Engineering and Laboratory Services Directorate (ELSD), Measurement Canada, in writing, prior to the installation of each device under the NOCA. The approval applicant (or seller) shall provide the location and all relevant information regarding the identification of the specific device model to be installed (e.g., serial number, capacity, deck length, flow rate, number of load cells used per weighbridge, etc.).

6.3.2 Upon receiving notification and the associated information of such an installation, the ACSL will inform the appropriate Regional Specialist of the subject installation.

6.4 **Requirements for Initial Inspection of type “D” Conditional Approvals**

6.4.1 The initial inspection of a device with a type “D” NOCA shall be scheduled with the ACSL. A representative from the ACSL (or a delegate) shall be present during the initial inspection and the ACSL shall be informed ahead of time, by the applicant (or seller), of all subsequent inspections planned on devices with type “D” Conditional Approvals.

6.4.2 Prior to scheduling an initial inspection of a device with a type “D” NOCA, inspectors must determine if disclosure and notification have occurred. The simplest method to substantiate this is to request a copy of the written disclosure from the approval applicant (or seller) to the purchaser and to confirm with the Regional Specialist that the ACSL has received notification of the subject installation. The initial inspection of a device with a type “D” NOCA shall not be scheduled until proper disclosure and notification have been confirmed.

6.4.3 In the absence of written evidence of disclosure and notification, verbal confirmation from the purchaser that written disclosure was received and from the ACSL that the installation was reported, is sufficient.

6.4.4 A non-compliance has occurred where it is determined that the approval applicant (or seller) of type “D” conditionally approved devices has not disclosed the information specified in subsection 6.2 to the purchaser. The inspector must send a report of the non-compliance to the Regional Specialist by fax, by electronic mail or by any other expedient manner, within 48 hours, for follow-up action. The ACSL shall be advised immediately of the non-compliance, which must be investigated and resolved before any additional inspections are permitted.
6.4.5 Upon completing the initial inspection of a device with a type “D” NOCA, the representative from the ACSL shall ensure that a copy of the test report and inspection certificate are completed and returned to the laboratory.

6.5 Inspection Certificates

6.5.1 The inspection certificate shall be annotated to indicate: “The inspected device(s), with Model Number XXXX, is (are) covered by the Conditional Approval "A✱-####?" where:

“A✱” represents the measurement discipline (AE for electricity, AG for gas, AM for mass, and AV for volume); and,

“###” represents the approval number; and,

“?” represents the circumstances under which the device is issued a Conditional Approval, as per section 5.0 above (C or D).

6.5.2 For a type “D” NOCA, the inspection certificate shall be annotated to indicate:

“This inspection certificate is only valid while the Conditional Approval A✱-####D remains in force”.

where A✱ represents the discipline and ### represents the number, as above. The inspection certificate of a type “D” NOCA shall also include the information required to properly identify the device model installed, as discussed in subsection 6.3.1.

7.0. Revisions

7.1 The initial version of this bulletin was released 1991-09-30.

7.2 The purpose of revision 1 (2003-07-09) was to:

a) indicate the reasons for issuing conditional approvals;

b) address devices and meters which fall under the purview of both the Weights and Measures Act and the Electricity and Gas Inspection Act;

c) specify certain terms and conditions to be included in notices of conditional approval;
d) clarify the circumstances where disclosure to the device purchaser is required; and,

e) add internal steps to improve the manner in which Measurement Canada deals with notices of conditional approval; and

f) make minor editorial changes to the text.

7.3 The purpose of this revision is to:

a) Introduce a naming convention for the notices of conditional approval based on the circumstances for their issuance. The suffix “C” is appended to the conditional approval number when the devices are approved using Terms and Conditions of the Weights and Measures Act or Provisional Specifications of the Electricity and Gas Inspection Act. The suffix “D” is appended to the approval number when devices cannot be fully evaluated by the ACSL, and the applicant (or seller) has demonstrated that it is essential to install the device for use in trade, in order to complete the approval testing.

b) Clarify that type “D” conditional approvals apply to devices subject to the Weights and Measures Act and Regulations only.

c) Remove any reference to approval verification during the initial inspection of devices with a type “D” NOCA.

d) Indicate that a representative from the ACSL (or a delegate) shall be present during the initial inspection of devices with a type “D” NOCA, and that it is the representative’s responsibility to ensure that the test report and inspection certificate are returned to the laboratory.


f) Replace the term “authorized draft specifications” with “Terms and Conditions of the Weights and Measures Act or Provisional Specifications of the Electricity and Gas Inspection Act”.

g) Expand the definition of “inspector” to include the Authorized Service Provider (ASP) recognized technicians.

h) Make format changes to align with other bulletins. Make some editorial changes to the text.