
STATUTORY INSTRUMENTS

1992 No. 1579

**The Non-automatic Weighing Instruments
(EEC Requirements) Regulations 1993**

PART II

**APPROVAL AND CERTIFICATION OF NON-
AUTOMATIC WEIGHING INSTRUMENTS**

ENFORCEMENT

Withdrawal from use etc of unsatisfactory instruments

26.—(1) If it appears to any authorised person that, when properly installed and used for the purpose for which they are intended, two or more instruments which bear the EC mark of conformity and the sticker do not meet the requirements of these Regulations, he shall notify the Secretary of State.

- (2) Following receipt of a notification under paragraph (1) above, the Secretary of State—
- (a) shall consider the matter; and
 - (b) unless he considers it not practicable to do so or that urgent action is required in the public interest, after giving any person appearing to him to be interested in the instrument in question the opportunity of making representations, may give a notice under this regulation in accordance with paragraph (4) below.
- (3) A notice under this regulation—
- (a) shall sufficiently describe the instruments to which it applies;
 - (b) may—
 - (i) require instruments of the type in question to be withdrawn from supply;
 - (ii) prohibit or restrict the use of such instruments for any Schedule 3 application;
 - (iii) prohibit or restrict the supply of such instruments;
 - (c) may be expressed to impose obligations on named or identified persons or persons generally; and
 - (d) may be varied or withdrawn by a further notice under this regulation.
- (4) A notice under this regulation (including a notice varying or withdrawing a previous notice),—
- (a) if any person is named in the notice as a person upon whom an obligation is imposed (or upon whom an obligation was imposed by such a previous notice),—
 - (i) shall be given to any such person, and
 - (ii) may be published in such manner as the Secretary of State may think fit;
 - (b) in any other case, shall be published in such manner as the Secretary of State may think fit.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(5) Any person who fails to comply with an obligation imposed on him by a notice under this regulation shall be guilty of an offence.

(6) References in this regulation to these Regulations include references to corresponding provisions under the laws of a member State other than the United Kingdom.