

---

STATUTORY INSTRUMENTS

---

**2000 No. 3236**

**The Non-automatic Weighing Instruments Regulations 2000**

**PART I**

**PRELIMINARY**

**Citation, commencement and revocation**

1.—(1) These Regulations may be cited as the Non-automatic Weighing Instruments Regulations 2000 and shall come into force on 1st January 2001.

(2) The Non-automatic Weighing Instruments (EEC Requirements) Regulations 1995(1), the Non-automatic Weighing Instruments (EEC Requirements) (Amendment) Regulations 1997(2) and the Non-automatic Weighing Instruments (EEC Requirements) (Amendment) Regulations 1998(3) are hereby revoked.

**Interpretation**

2.—(1) In these Regulations—

- (a) “the NAWI Directive” means Council Directive [90/384/EEC](#) of 20th June 1990 on the harmonisation of the laws of the Member States relating to non-automatic weighing instruments (4) as amended by Council Directive [93/68/EEC](#)(5); provided that in the text of Schedules 1 and 2 (which reproduce Annexes III and I to the NAWI Directive respectively) that Directive is referred to as “the Directive”;
- (b) except for the references to the European Communities in the definition of “the Commission” and in relation to the Official Journal, a reference to the Community includes a reference to the EEA, and a reference to a member State includes a reference to an EEA State; and for this purpose—
  - (i) the “EEA” means the European Economic Area;
  - (ii) an “EEA State” means a State which is a Contracting Party to the EEA Agreement(6); and
  - (iii) the “EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993(7).

(2) In these Regulations, unless the context otherwise requires, the following expressions have the following meanings—

---

(1) S.I.1995/1907.  
(2) S.I. 1997/3035.  
(3) S.I. 1998/2994.  
(4) OJNo. L189, 20.7.90, p. 1 as corrected by the corrigendum published in OJ No. L258, 22.9.90, p. 35.  
(5) OJ No. L220, 30.8.93, p. 1 as corrected by the corrigendum published in OJ No. L216, 8.8. 97, p. 99.  
(6) The EEA Agreement came into force in relation to Liechtenstein on 1st May 1995 (OJ No. L86, 20.4.95, p. 58).  
(7) The application of the NAWI Directive was extended to the EEA by Article 23 of, and paragraph 27 of section IX of Annex II to, the EEA Agreement.

“the 1981 Order” means the Weights and Measures (Northern Ireland) Order 1981<sup>(8)</sup>;

“the 1985 Act” means the Weights and Measures Act 1985;

“approved body” means—

(a) a body which is designated by the Secretary of State under regulation 9(1) for the purpose of carrying out one or more of the tasks referred to in Article 8 of the NAWI Directive; or

(b) a body which is designated for that purpose by another member State,

and whose name is notified to the Commission and the member States under Article 9 of the NAWI Directive; and where the context so requires—

(i) a reference to an approved body includes a reference to another approved body which has taken over the first approved body’s functions under regulation 9(7) or the equivalent provisions of the law of another member State; and

(ii) a reference to an action of either approved body (however expressed) includes a reference to an action of the other approved body;

“approved quality system” means a quality system approved under regulation 13 or under a corresponding provision of the law of another member State, and cognate expressions shall be construed accordingly;

“approved type” means a type in respect of which an EC type-approval certificate is in force;

“authorised person” means an inspector, or some other person employed by a local weights and measures authority, who is authorised by the chief inspector of weights and measures of that authority to exercise functions under these Regulations in its area;

“authorised representative”, in relation to a manufacturer, means his authorised representative established in the Community;

“CE marking” has the meaning assigned to it in regulation 18(5); and, where the context so permits, references in these Regulations to the CE marking include references to the EC mark of conformity affixed under the Non-automatic Weighing Instruments (EEC Requirements) Regulations 1992<sup>(9)</sup> and to the CE marking, or EC mark of conformity, affixed under provisions of the law of another member State corresponding to these Regulations;

“the Commission” means the Commission of the European Communities;

“the Community” means the European Community;

“design documentation” means the documentation referred to in Annex III to the NAWI Directive which is set out in Schedule 1;

“disqualification sticker” means—

(a) a sticker the design of which is published in the United Kingdom by the Secretary of State; or

(b) a sticker, symbol or other device the design of which is approved in another member State by the competent authority,

and which indicates that an instrument to which it is affixed does not satisfy the requirements of regulation 5 or of corresponding provisions under the law of another member State;

“EC declaration of type conformity” means the declaration of type conformity referred to in regulation 13(7);

“EC surveillance” means the procedure whereby an approved body ensures that a manufacturer who makes an EC declaration of type conformity in respect of instruments manufactured by

---

<sup>(8)</sup> S.I. 1981/231 (N.I. 10) and see S.I. 1982/846 (N.I. 11) and 1999/283 (N.I. 1).

<sup>(9)</sup> S.I. 1992/1579, which was revoked by S.I. 1995/1907.

him properly fulfils the obligations arising out of the approved quality system specified in paragraph 2 of Annex II to the NAWI Directive;

“EC type-approval certificate” means a certificate issued by the Secretary of State under regulation 10 or by an approved body designated by another member State, as the case may be;

“EC type-examination” means the procedure whereby the Secretary of State or approved body designated by another member State verifies and certifies that a type conforms with the provisions of the NAWI Directive which apply to it;

“EC unit verification” means the procedure whereby the manufacturer or his authorised representative ensures and declares that an instrument generally intended for a specific application, in respect of which a certificate referred to in paragraph 4.2 of Annex II to the NAWI Directive has been issued (that is to say, in the case of an instrument in respect of which application for the appropriate examinations and tests referred to in regulation 12(3) is made to the Secretary of State, a certificate referred to in regulation 12(4)(a)(ii) conforms with the requirements of the NAWI Directive which apply to it;

“EC verification” means the procedure whereby the manufacturer or his authorised representative ensures and declares in accordance with paragraph 3 of Annex II to the NAWI Directive that an instrument—

- (i) has been checked in accordance with paragraph 3.3 (that is to say, in the case of an instrument subject to these Regulations, in accordance with regulation 11(4) under which the approved body carries out examinations and tests);
- (ii) is, where appropriate, in conformity with the type described in the EC type approval certificate; and
- (iii) satisfies the requirements of the NAWI Directive which apply to it;

“essential requirements” means the requirements in Annex I to the NAWI Directive which are set out in Schedule 2;

“harmonised standard” means a technical specification adopted by one or both of the European Committee for Standardisation and the European Committee for Electrotechnical Standardisation upon a remit from the Commission in accordance with Directive 98/34/EC of the European Parliament and of the Council of 22nd June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services<sup>(10)</sup> (as amended by Directive 98/48/EC<sup>(11)</sup>) or the Directives and Decisions repealed by Article 13 thereof;

“identification number” means the number assigned by the Commission to the Secretary of State or to the approved body in question, as the case may be; and, where the context so permits, references in these Regulations to the identification number include references to an identification symbol so assigned before these Regulations come into force;

“inscription” means, as the case may require, an inscription referred to in regulation 18(3)(c) or (d);

“instrument” means a non-automatic weighing instrument (including ancillary equipment) which—

- (a) requires the intervention of an operator during weighing; and
- (b) serves to determine the mass or weight of any thing by using the action of gravity on that thing (whether or not it may also determine related matters such as price, quantity or magnitude on the basis of mass or weight);

---

<sup>(10)</sup> OJ No. L204, 21.7.98, p. 37.

<sup>(11)</sup> OJ No. L217, 5.8.98, p. 18.

“load receptor” means a part of an instrument on which loads are placed for the purpose of their being weighed;

“quality system” means all the elements, requirements and provisions adopted by the manufacturer to ensure conformity of instruments with the approved type and the requirements of the NAWI Directive which apply to them and includes, in particular,—

- (a) the quality objectives and the organisational structure, responsibilities and powers of the managerial staff with regard to product quality;
- (b) the manufacturing process, the quality control and assurance techniques and the systematic measures that will be used during manufacture;
- (c) the examinations and tests that will be carried out before, during and after manufacture and the frequency with which they will be carried out; and
- (d) the means to monitor the achievement of the required product quality and the effective operation of the quality system;

“relevant national standard” means a standard which is applicable to the instrument in question and of which the reference number is published—

- (a) in the United Kingdom, by the Secretary of State in such manner as he considers appropriate; or
- (b) in another member State, by the competent authority,

and which corresponds to a harmonised standard the reference number of which is published in the Official Journal of the European Communities;

“re-qualification sticker” means a sticker the design of which is published by the Secretary of State and which indicates that an instrument to which it is affixed satisfies the requirements of regulation 5;

“Schedule 3 application”, in relation to an instrument, means an application described in Schedule 3;

“sticker”, except in references to “disqualification sticker” and “re-qualification sticker”, means a green sticker measuring at least 12.5 mm by 12.5 mm square bearing a capital letter “M” printed in black and referred to in paragraph 1 of Annex IV to the NAWI Directive; and

“type” has the meaning given by regulation 10(2);

and other expressions used in these Regulations have the same meanings as in the 1985 Act or, in Northern Ireland, the 1981 Order.

(3) In these Regulations, references to instruments of a numbered Class shall be construed in accordance with paragraph 2 of Annex I to the NAWI Directive which is set out in Schedule 2.

(4) For the purposes of these Regulations, the expressions “maximum capacity”, “minimum capacity” and “weighing range” shall be construed in accordance with the terminology of the International Organisation for Legal Metrology<sup>(12)</sup>.

### **Application of Regulations**

3.—(1) Subject to paragraph (2) below, these Regulations apply to any instrument.

(2) These Regulations do not apply to—

(a) an instrument—

- (i) in respect of a pattern of which EEC pattern approval was granted or extended before 1st January 1993 under the Measuring Instruments (EEC Requirements) Regulations

---

(12) See “Non-automatic weighing instruments Part 1: Metrological and technical requirements—Tests”, OIML R 76-1, Edition 1992 (E), published by the International Organisation for Legal Metrology.

- 1988(13) (in this regulation referred to as “the MI Regulations”) or by any member State other than the United Kingdom and which is in force; and
- (ii) which bears a mark of EEC initial verification or of EEC partial verification which is first affixed before 1st January 2003 under the MI Regulations or by any member State other than the United Kingdom; or
- (b) an instrument which—
- (i) does not require EEC pattern approval; and
- (ii) bears a mark of EEC initial verification or of EEC partial verification which is first affixed before 1st January 2003 under the MI Regulations or by any member State other than the United Kingdom; or
- (c) an instrument—
- (i) of a pattern in respect of which pattern approval is granted or extended under section 12 of the 1985 Act and which is in force; and
- (ii) which is first passed as fit for use for trade and stamped before 1st January 2003 under the Weighing Equipment (Non-automatic Weighing Machines) Regulations 1988(14) (in this regulation referred to as “the 1988 NAWM Regulations”) or the Weighing Equipment (Non-automatic Weighing Machines) Regulations 2000(15) (in this regulation referred to as “the 2000 NAWM Regulations”); or
- (d) an instrument which—
- (i) does not require pattern approval under section 12 of the 1985 Act; and
- (ii) was first passed as fit for use for trade and stamped before 4th April 1989, under the 1988 NAWM Regulations; or
- (e) an instrument which—
- (i) is not required to comply with either the MI Regulations or the 2000 NAWM Regulations;
- (ii) does not comply with regulation 5 or with regulation 6, as the case may require; and
- (iii) is first put into service before 1st January 2003.
- (3) For the avoidance of doubt it is hereby declared that the 1985 Act, the MI Regulations and the 2000 NAWM Regulations continue to apply to instruments to which these Regulations do not apply by virtue of paragraph (2) above.
- (4) For the purposes of this regulation—
- (a) a grant of EEC pattern approval, an exemption from such approval or the affixing of a mark of EEC initial verification shall be in accordance with the relevant provisions of the MI Regulations or in the case of any other member State in accordance with the relevant provisions of measures in force which implement Council Directive 73/360/EEC(16), as amended by Commission Directives 76/696/EEC(17) and 82/622/EEC(18), and
- (b) the affixing of an EEC mark of partial verification shall be in accordance with the relevant provisions of the MI Regulations or, in the case of any other member State, in accordance with the relevant provisions of measures in force which implement Council Directive

---

(13) S.I. 1988/186 amended by S.I. 1988/1128.

(14) S.I. 1988/876 amended by S.I. 1988/2120, 1991/2019, 1992/3037, 1994/1851 and 1995/428.

(15) S.I. 2000/932; these Regulations revoked the instruments referred to in footnote (c) above on 2nd May 2000.

(16) OJ No. L335, 5.12.73, p. 1.

(17) OJ No. L236, 27.8.76, p. 26.

(18) OJ No. L252, 27.8.82, p. 2.

71/316/EEC(19) as amended by Council Directives 72/427/EEC(20), 83/575/EEC(21), 87/354/EEC(22), 87/355/EEC(23) and 88/665/EEC(24).

#### **Placing on the market, putting into service and use of instruments**

4.—(1) No person shall place on the market any instrument unless it meets the requirements of regulation 5 or regulation 6, or the corresponding requirements of the NAWI Directive as implemented in the law of a member State other than the United Kingdom, as the case may require.

(2) No person shall put any instrument into service for any Schedule 3 application unless it meets the requirements of regulation 5, or the corresponding requirements of the NAWI Directive as implemented in the law of a member State other than the United Kingdom.

(3) No person shall—

- (a) use any instrument for any Schedule 3 application; or
- (b) have any instrument in his possession for such use,

unless the requirements of regulation 5, or the corresponding requirements of the NAWI Directive as implemented in the law of a member State other than the United Kingdom, are complied with in relation to it.

(4) Any person who fails to comply with paragraph (1), (2) or (3) above shall be guilty of an offence and any instrument to which the offence relates shall be liable to be forfeited.

(5) Without prejudice to the liability of any instrument to be forfeited, it shall be a defence for any person charged with an offence under paragraph (4) above to show—

- (a) that he used the instrument only in the course of his employment by some other person; and
- (b) that he neither knew, nor might reasonably have been expected to know, nor had any reason to suspect, that the requirements referred to in paragraph (1), (2) or (3) above, or the corresponding requirements of the NAWI Directive as implemented in the law of a member State other than the United Kingdom, as the case may be, were not satisfied in relation to the instrument.

(6) If any fraud is committed in the using of an instrument for a Schedule 3 application, the person committing the fraud and any other person party to it shall be guilty of an offence and the instrument shall be liable to be forfeited.

#### **Instruments used for Schedule 3 applications to satisfy the essential requirements**

5.—(1) Instruments to which these Regulations apply which are used for any Schedule 3 application shall satisfy the essential requirements:

Provided that this obligation shall not apply to devices—

- (a) which are included in, or connected to, an instrument but which are not themselves used for any Schedule 3 applications; or
- (b) to which the restrictive use symbol referred to in paragraph 3 of Annex IV to the NAWI Directive has been affixed in accordance with regulation 18(7).

(2) An instrument shall not be taken to satisfy the essential requirements—

- (a) unless—

---

(19) OJ No. L202, 6.9.71, p. 1, OJ/SE 1971(II) p. 707.

(20) OJ No. L291, 28.12.72, p. 156, OJ/SE 1972, 28-30 Dec., p. 71.

(21) OJ No. L332, 28.11.83, p. 43.

(22) OJ No. L192, 11.7.87, p. 43.

(23) OJ No. L192, 11.7.87, p. 46.

(24) OJ No. L382, 31.12.88, p. 42.

- (i) save in the case of an instrument which does not use electronic devices and of which the load measuring device does not use one or more springs to balance the load, an EC type-approval certificate has been issued in respect of the relevant type and is in force; and
    - (ii) one of the conditions set out in paragraph (3) below is satisfied in relation to it; or
  - (b) unless EC unit verification has been carried out and the instrument bears the CE marking, inscriptions, sticker and identification number which have been affixed in the manner provided for in regulations 12 and 18 or under corresponding provisions of the law of a member State other than the United Kingdom.
- (3) The conditions referred to in paragraph (2)(a)(ii) above are—
- (a) a condition that an EC declaration of type conformity has been made, and an EC conformity marking, inscriptions, sticker and identification number have been affixed to the instrument, by the manufacturer in the manner provided for in regulations 13 and 18 or under corresponding provisions of the law of a member State other than the United Kingdom;
  - (b) a condition that an EC verification has been carried out and the instrument bears the CE marking, inscriptions, sticker and identification number which have been affixed in the manner provided for in regulations 11 and 18 or under corresponding provisions of the law of a member State other than the United Kingdom.
- (4) Neither of the conditions mentioned in sub-paragraph (a)(ii), nor the requirements of sub-paragraph (b), of paragraph (2) above shall be satisfied in relation to an instrument at any time when—
- (a) any conformity marking, inscription, sticker, re-qualification sticker or identification number affixed to the instrument has been defaced, destroyed or removed otherwise than by fair wear and tear; or
  - (b) a disqualification sticker has been affixed to the instrument, the effect of which has not been cancelled by a re-qualification sticker affixed to it.
- (5) The documents relating to procedures, and any connected correspondence, relating to EC type-examination, EC declaration of type conformity, EC verification and EC unit verification shall be drafted in an official language of the member State where those procedures are to be carried out or in a language accepted by the Secretary of State or approved body, as the case may require.

#### **Information to be borne by instruments not subjected to EC verification, EC unit verification or EC declaration of type conformity**

6.—(1) An instrument to which these Regulations apply which has not been subject to EC verification, EC unit verification or EC declaration of type conformity shall bear the following inscriptions affixed in a clearly visible, easily legible and indelible form—

- (a) the manufacturer's mark or name; and
- (b) the maximum capacity of the instrument in the form "Max...".

(2) The instruments referred to in paragraph (1) above may not bear the stickers provided for in paragraph 1(1)(b) of Annex IV to the NAWI Directive.

#### **Instruments conforming with relevant national standards**

7. An instrument to which these Regulations apply which is used for a Schedule 3 application and which bears the CE marking and complies with the relevant national standards applicable to the instrument shall be presumed to conform with the essential requirements.

### Appropriate equipment for tests

8.—(1) Subject to paragraph (2) below, for the purposes of regulations 11(4), 12(4), 13(7) and 38(1) an instrument shall be tested by the use of weights as set out in the following Table or by the equivalent equipment provided for in sub-paragraph (3)(a) below.

**TABLE**

<i>Accuracy Classification of Instruments</i>	<i>Weights to be used</i>
Class I	Weights conforming to the requirements of the 1974 directive (other than class F1, F2 and M1 weights therein referred to)
Class II	<p>Local standard weights, working standard weights which fall within the prescribed limits of error relating to the equivalent local standard weights, test weights not greater than 20 kg which fall within the prescribed limits of error relating to the equivalent local standard weights or test weights greater than 20 kg which fall within 0.15 of the prescribed limits of error for the test weights in question</p> <p>Northern Ireland local standard weights, Northern Ireland working standard weights which fall within the limits of error relating to the equivalent local standard weights, Northern Ireland test weights not greater than 20 kg which fall within the limits of error relating to the equivalent local standard weights or test weights greater than 20 kg which fall within 0.15 of the limits of error for the test weights in question</p> <p>Weights conforming to the requirements of the 1974 directive (other than class M1 weights therein referred to)</p>
Class III and having more than 5,000 scale intervals	<p>Local standard weights, working standard weights, test weights not greater than 20 kg or test weights greater than 20 kg which fall within half the prescribed limits of error for the test weights in question</p> <p>Northern Ireland local standard weights, Northern Ireland working standard weights, Northern Ireland test weights not greater than 20 kg or test weights greater than 20 kg which fall within half the limits of error for the test weights in question</p> <p>Weights conforming to the requirements of the 1974 directive</p>



<i>Accuracy Classification of Instruments</i>	<i>Weights to be used</i>
Class III and having no more than 5,000 scale intervals and Class IIII	Local standard weights, working standard weights or test weights  Northern Ireland local standard weights, Northern Ireland working standard weights or Northern Ireland test weights  Weights conforming to the requirements of the 1974 directive

- (2) For the purposes of the table in paragraph (1) above—
- (a) the error in the weights to be used in any particular case shall not exceed the amount specified in the relevant national standard; and
  - (b) the quantities of weights to be used in any particular case shall be ascertained in accordance with the relevant national standard.
- (3) In this regulation—
- (a) “equivalent equipment” shall be—
    - (i) any weighing or measuring equipment;
    - (ii) any other metrological equipment; or
    - (iii) any article for use in connection with such equipment, which has been accepted by the Secretary of State for testing as to accuracy or compliance with any specification in pursuance of section 6(1) of the 1985 Act and which has been approved by him as being appropriate equipment for use in accordance with regulations 11(4), 12(4), 13(7) and 38(1);
  - (b) “local standard weights”, “working standard weights” and “test weights” shall be construed in accordance with the Weights and Measures (Local and Working Standard Weights and Testing Equipment) Regulations 1986<sup>(25)</sup>,
  - (c) “Northern Ireland local standard weights”, “Northern Ireland working standard weights” and “Northern Ireland test weights” shall be construed in accordance with the 1981 Order; and
  - (d) “the 1974 directive” means Council Directive 74/148/EEC<sup>(26)</sup> on the approximation of laws of the Member States relating to weights of from 1 mg to 50 kg of above-medium accuracy.

### **Designation of bodies to exercise functions under the Regulations**

9.—(1) On application made by the body, the Secretary of State may, for the purposes of Article 8 of the NAWI Directive, designate one or more bodies of persons (“approved bodies”) which appear to him to satisfy the criteria set out in Annex V to the NAWI Directive to carry out in respect of instruments all or any of the functions to be carried out by approved bodies—

- (a) under regulations 11 and 14 relating to EC verification; and
  - (b) under regulations 13, 15 and 17 relating to quality systems and EC surveillance.
- (2) Any such approval—

---

<sup>(25)</sup> S.I. 1986/1685 as amended by S.I. 1991/1775 and 1994/1851.

<sup>(26)</sup> OJ No. L84, 28.3.1974, p. 3.

- (a) may be given for an unlimited period, or for a specified period, or for specified purposes; and
  - (b) may be given subject to conditions (including conditions which are to apply upon or following withdrawal of the approval).
- (3) The Secretary of State may withdraw an approval if—
- (a) the body so requests; or
  - (b) the body ceases to satisfy the criteria specified in the said Annex V to the NAWI Directive; or
  - (c) the body ceases to comply with any such condition.
- (4) The Secretary of State may vary an approval if—
- (a) the body so requests; or
  - (b) having regard to these Regulations and to the NAWI Directive, it appears to him necessary or expedient.
- (5) The Secretary of State may from time to time carry out inspections of the functions of an approved body with a view to verifying that it complies with any conditions subject to which the approval is granted and with the provisions of these Regulations and the NAWI Directive but, unless it appears to him that there are circumstances which make it necessary or expedient to do so, he shall not carry out such an inspection within two years from the date of approval of the body or, if later, of his last inspection under this paragraph.
- (6) In a case where the Secretary of State—
- (a) refuses an application for designation under paragraph (1) above or imposes any condition more onerous than those proposed by the body;
  - (b) withdraws an approval under paragraph (3)(b) or (c) above; or
  - (c) varies an approval pursuant to paragraph (4)(b) above;
- he shall inform the body of the grounds for the decision.
- (7) If for any reason an approved body ceases to be an approved body under this regulation, the Secretary of State may designate another approved body to take over its functions in respect of such cases as he may specify.