
STATUTORY INSTRUMENTS

2000 No. 3236

The Non-automatic Weighing Instruments Regulations 2000

PART II

APPROVAL AND CERTIFICATION OF NON-AUTOMATIC WEIGHING INSTRUMENTS

Examination and Supervision

EC type-examination

10.—(1) An application for EC type-examination shall be made in writing by the manufacturer or by his authorised representative to the Secretary of State or to an approved body designated by another member State for the purpose of EC type-examination.

(2) An application made to the Secretary of State shall include—

- (a) the name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address;
- (b) a declaration that no other application for EC type-examination in respect of the instrument has been made to the Secretary of State or to any approved body; and
- (c) the design documentation,

and the person making the application shall, when requested by the Secretary of State, provide an instrument which is representative of the production envisaged (in this regulation referred to as “the type”).

(3) On an application made to him under this regulation the Secretary of State shall—

- (a) examine the design documentation and check that the type has been manufactured in conformity with that documentation;
- (b) agree with the applicant the places where the examinations and tests shall be carried out;
- (c) carry out, or have carried out, examinations and tests to check—
 - (i) where the manufacturer has chosen to apply the relevant national standards, whether the instrument has been manufactured wholly in conformity with those standards in such a manner that it satisfies the essential requirements; or
 - (ii) if it has not been so manufactured, whether the instrument nevertheless satisfies the essential requirements.

(4) Where the Secretary of State, after carrying out his functions under paragraph (3) above, is satisfied that the type complies with the provisions of the NAWI Directive which apply to it, he shall grant to the applicant an EC type-approval certificate in respect of that type.

(5) Subject to paragraph (7) below and to any restrictions imposed by paragraph (6) below, an EC type-approval certificate issued under paragraph (4) above shall be valid for a period of ten years and its validity may be extended for successive periods of ten years:

Provided that its validity shall not be extended after the date of the entry into force of any amendment to the NAWI Directive if it could not have been granted on the basis of the NAWI Directive as so amended.

(6) Where new techniques are employed or other fundamental changes are made to the design of an approved type, a further application may be made under this regulation and a further EC type-approval certificate may be issued in respect of the type for a specified period; and—

- (a) the initial period for which a certificate is issued under this paragraph shall be restricted to a period of two years; and
- (b) only one extension of that period, for a period of three years, may be issued:

Provided that its validity shall not be extended after the date of the entry into force of any amendment to the NAWI Directive if it could not have been granted on the basis of the NAWI Directive as so amended.

(7) Where an EC type approval certificate granted by the Secretary of State under paragraph (4) above, not being a certificate to which paragraph (6) above applies, has expired not having been extended for any period or further period of ten years under paragraph (5) above, the certificate shall remain in force in respect of any instrument which was first put into service at a time when the certificate was in force otherwise than by virtue of this paragraph; and an EC type approval certificate which remains in force by virtue of this paragraph may be withdrawn under regulation 25(6)(a).

(8) Any EC type-approval certificate issued by the Secretary of State shall—

- (a) state the conclusions of the EC type-examination carried out by the Secretary of State;
- (b) indicate any conditions subject to which the certificate is granted; and
- (c) be accompanied by the data and descriptions necessary for identification of the approved type,

and there shall be annexed to the certificate all relevant drawings and layouts.

(9) Where the Secretary of State, after carrying out his functions under paragraph (3) above, refuses to issue an EC type-approval certificate or to extend its period of validity, he shall inform the applicant in writing of his decision and the grounds for his decision.

(10) Where—

- (a) an EC type-approval certificate granted under this regulation is in force in respect of an approved type; and
- (b) it is proposed that any modifications or additions should be made to the approved type,

the manufacturer or his authorised representative (instead of making an application under this regulation for an EC type-approval certificate) shall notify the Secretary of State in writing of all such proposed modifications or additions to the approved type.

(11) On receipt of a notification under paragraph (10) above, the Secretary of State shall consider whether the proposed modifications or additions might influence the conformity of the approved type with the essential requirements or with any conditions for use indicated in the EC type-approval certificate, and if it appears to him that those modifications or additions might have that effect, he shall conduct an examination of the approved type with those modifications or additions; and, in a case where—

- (a) he is satisfied that the approved type with those modifications or additions complies with the provisions of the NAWI Directive that apply to it, the Secretary of State shall—
 - (i) subject to the provisions of this regulation, approve the modifications or additions; and
 - (ii) issue an addition to the original EC type-approval certificate in respect thereof; or

(b) he is not so satisfied, the Secretary of State shall notify the person who gave the notification of his decision and of the grounds for it.

(12) No person shall make an application under this regulation if—

(a) he has previously made an application; or

(b) he has reasonable cause to believe that an application has previously been made by any other person,

in respect of the same type to any approved body.

(13) The Secretary of State shall not consider an application which appears to him to contravene paragraph (12) above.

(14) The Secretary of State shall periodically send to the other member States a list of—

(a) applications received by him for EC type-examination;

(b) EC type-approval certificates issued by him;

(c) refusals by him to issue EC type-approval certificates; and

(d) additions and amendments relating to documents already issued,

and, on request, shall send to other member States a copy of any EC type-approval certificates that he has issued.