
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 unit verification

12.—(1) The manufacturer or his authorised representative shall ensure that instruments intended for EC unit verification conform with the requirements of the NAWI Directive which apply to them.

(2) Where the manufacturer or his authorised representative is satisfied that the requirements of the NAWI Directive that apply to an instrument are satisfied in relation to it, he may—

- (a) affix the CE marking and the sticker to the instrument (by way of confirmation that it may be used for a Schedule 3 application) in accordance with regulation 18; and
- (b) draw up a written declaration of conformity that the instrument conforms with the requirements of the NAWI Directive which apply to it.

(3) Subject to paragraphs (6) and (7) below, an application for the carrying out of the appropriate examinations and tests with a view to EC unit verification shall be made by the manufacturer or his authorised representative in writing to the Secretary of State or to an approved body designated for the purpose of EC unit verification by another member State; and each application shall be accompanied by the design documentation relating to the instrument.

(4) Where the Secretary of State is satisfied, on application made to him under paragraph (3) above and after carrying out, or after having had carried out, the appropriate examinations and tests, that the instrument (if properly installed and used for the purposes for which it is intended) satisfies the provisions of the NAWI Directive that apply to it—

- (a) the Secretary of State shall in accordance with regulation 18—
 - (i) affix, or cause to be affixed, his identification number to the instrument; and
 - (ii) provide to the manufacturer or his authorised representative a written certificate of conformity relating to the tests carried out; and
- (b) the manufacturer or his authorised representative shall ensure that he is able to provide the certificate to any person entitled to see it.

(5) Where the Secretary of State is not so satisfied, he shall decline to affix his identification number to the instrument and to provide to the manufacturer or his authorised representative a written certificate of conformity under paragraph (4) above; and he shall in writing inform the applicant of his decision and of the grounds for his decision.

(6) In the case of an instrument—

- (a) to which the CE marking, identification number and sticker have been affixed; and
- (b) either—

- (i) to which a disqualification sticker has been affixed under regulation 23, 24 or 27 or under any corresponding provision in the law of a member State other than the United Kingdom,
- (ii) which, having ceased to satisfy the essential requirements, has been subjected to any adjustment, alteration, addition, repair or replacement, notwithstanding that a disqualification sticker had not been affixed,

the foregoing provisions of this regulation shall have effect as modified under paragraph (7) below.

(7) In a case to which paragraph (6) above applies an application under paragraph (3) above may be made by any person established in the Community and—

- (a) in paragraph (3) above, the words after the first semi-colon shall not have effect; and
- (b) in paragraph (4) above, for sub-paragraphs (a) and (b) there shall be substituted the words “the Secretary of State shall in accordance with regulation 18 affix, or cause to be affixed, to the instrument his identification number and the re-qualification sticker.”.