
STATUTORY INSTRUMENTS

2000 No. 3236

The Non-automatic Weighing Instruments Regulations 2000

PART I

PRELIMINARY

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.