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STATUTORY INSTRUMENTS

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**2016 No. 1152**

The Non-automatic Weighing Instruments Regulations 2016

**PART 3**

CONFORMITY OF REGULATED NON-AUTOMATIC WEIGHING INSTRUMENTS

CHAPTER 1

ESTABLISHING COMPLIANCE WITH THE ESSENTIAL REQUIREMENTS

**Introductory**

**33.** This Chapter applies for the purposes of establishing whether a regulated non-automatic weighing instrument complies with the essential requirements.

**Methods of establishing conformity with the essential requirements** **E+W+S**

**34.** Conformity with the essential requirements may be established in relation to a regulated non-automatic weighing instrument—

- (a) through conformity with [<sup>F1</sup>designated] standards (or parts of those standards) covering the essential requirements <sup>F2</sup>...; or
- (b) through the use by the manufacturer of any other technical solution that complies with the essential requirements.

**Extent Information**

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F1** Word in reg. 34(a) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 26 para. 20(a)** (with [Sch. 26 para. 5](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**
- F2** Words in reg. 34(a) omitted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 26 para. 20(b)** (with [Sch. 26 para. 5](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**

**Methods of establishing conformity with the essential requirements** **N.I.**

**34.** Conformity with the essential requirements may be established in relation to a regulated non-automatic weighing instrument—

- (a) through conformity with harmonised standards (or parts of those standards) covering the essential requirements where the harmonised standards have been published in the Official Journal of the European Union; or

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*Changes to legislation: There are currently no known outstanding effects for the The Non-automatic Weighing Instruments Regulations 2016, PART 3. (See end of Document for details)*

- (b) through the use by the manufacturer of any other technical solution that complies with the essential requirements.

#### Extent Information

- E11** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

### Presumptions of conformity of regulated non-automatic weighing instruments **E+W+S**

**35.** Regulated non-automatic weighing instruments which are in conformity with [<sup>F3</sup>designated] standards (or parts of those standards) shall be presumed to be in conformity with the essential requirements covered by those standards (or parts of those standards).

#### Extent Information

- E2** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F3** Word in reg. 35 substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 26 para. 21** (with Sch. 26 para. 5) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**

### Presumptions of conformity of regulated non-automatic weighing instruments **N.I.**

**35.** Regulated non-automatic weighing instruments which are in conformity with harmonised standards (or parts of those standards) shall be presumed to be in conformity with the essential requirements covered by those standards (or parts of those standards).

#### Extent Information

- E12** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

### Conformity assessment procedures **E+W+S**

**36.—**(1) The conformity of regulated non-automatic weighing instruments to the essential requirements may, subject to paragraph (2), be established by either of the following conformity assessment procedures as selected by the manufacturer—

- (a) Module B as set out in point 1 of [<sup>F4</sup>Schedule 7] followed by either—
- (i) Module D as set out in point 2 of [<sup>F5</sup>Schedule 7]; or
- (ii) Module F as set out in point 4 of [<sup>F6</sup>Schedule 7]; or
- (b) Module G as set out in point 6 of [<sup>F7</sup>Schedule 7].

(2) Module B is compulsory for instruments—

- (a) which use electronic devices; and
- (b) the load measuring device of which uses a spring to balance the load.

(3) Where an instrument is not submitted to Module B, either of the following modules must be applied—

- (a) Module D1 as set out in point 3 of [<sup>F8</sup>Schedule 7]; or
- (b) Module F1 as set out in point 5 of [<sup>F9</sup>Schedule 7].
- (4) [<sup>F10</sup>An approved] body must carry out the conformity assessment procedure selected by the manufacturer in accordance with the requirements of Schedule 2.
- (5) The documents and correspondence relating to the conformity assessment procedures referred to in this regulation, and which are carried out in the United Kingdom, must be drawn up in English.
- (6) In this regulation a reference to a module other than Module B includes the common provisions as set out in point 7 of [<sup>F11</sup>Schedule 7].

#### Extent Information

- E3** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F4** Words in reg. 36(1)(a) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 26 para. 22(a)** (with [Sch. 26 para. 5](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**
- F5** Words in reg. 36(1)(a)(i) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 26 para. 22(b)** (with [Sch. 26 para. 5](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**
- F6** Words in reg. 36(1)(a)(ii) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 26 para. 22(b)** (with [Sch. 26 para. 5](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**
- F7** Words in reg. 36(1)(b) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 26 para. 22(b)** (with [Sch. 26 para. 5](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**
- F8** Words in reg. 36(3)(a) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 26 para. 22(b)** (with [Sch. 26 para. 5](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**
- F9** Words in reg. 36(3)(b) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 26 para. 22(b)** (with [Sch. 26 para. 5](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**
- F10** Words in reg. 36(4) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 26 para. 22(c)** (with [Sch. 26 para. 5](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**
- F11** Words in reg. 36(6) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 26 para. 22(a)** (with [Sch. 26 para. 5](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**

#### Conformity assessment procedures **N.I.**

36.—(1) The conformity of regulated non-automatic weighing instruments to the essential requirements may, subject to paragraph (2), be established by either of the following conformity assessment procedures as selected by the manufacturer—

- (a) Module B as set out in point 1 of Annex II to the Directive followed by either—
- (i) Module D as set out in point 2 of Annex II; or
- (ii) Module F as set out in point 4 of Annex II; or
- (b) Module G as set out in point 6 of Annex II.
- (2) Module B is compulsory for instruments—

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the The Non-automatic Weighing Instruments Regulations 2016, PART 3. (See end of Document for details)*

- (a) which use electronic devices; and
  - (b) the load measuring device of which uses a spring to balance the load.
- (3) Where an instrument is not submitted to Module B, either of the following modules must be applied—
- (a) Module D1 as set out in point 3 of Annex II; or
  - (b) Module F1 as set out in point 5 of Annex II.
- (4) A notified body must carry out the conformity assessment procedure selected by the manufacturer in accordance with the requirements of Schedule 2.
- (5) The documents and correspondence relating to the conformity assessment procedures referred to in this regulation, and which are carried out in the United Kingdom, must be drawn up in English.
- (6) In this regulation a reference to a module other than Module B includes the common provisions as set out in point 7 of Annex II to the Directive.

#### **Extent Information**

**E13** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

#### **[<sup>F12</sup>Subsidiaries and contractors**

- 37.**—(1) This regulation applies where—
- (a) a notified body subcontracts specific conformity assessment activities, or
  - (b) has such activities carried out by a subsidiary.
- (2) The activities are only to be treated as having been carried out by a notified body for the purposes of regulation 36 (conformity assessment procedures) where the conditions in paragraphs (3) and (4) are met.
- (3) The notified body must—
- (a) ensure that the subcontractor or subsidiary meets the notified body requirements; and
  - (b) inform the Secretary of State accordingly.
- (4) The notified body must have obtained the agreement of the client to the use of a subcontractor or subsidiary.
- (5) Where a notified body subcontracts specific conformity assessment activities, or has such activities carried out by a subsidiary, the notified body must for a period of at least 10 years beginning on the day after the activities are carried out, keep at the disposal of the Secretary of State the documentation concerning—
- (a) the assessment of the qualifications of the subcontractor or the subsidiary; and
  - (b) the conformity assessment activities carried out by the subcontractor or subsidiary.
- (6) When monitoring a notified body in accordance with regulation 52 (monitoring), the Secretary of State must treat the notified body as responsible for the tasks performed by a subcontractor or subsidiary, wherever the subcontractor or subsidiary is established.]

**F12** Reg. 37 omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 26 para. 23](#) (with [Sch. 26 para. 5](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**Fees E+W+S**

**38.**—(1) [<sup>F13</sup>An approved] body may charge fees in connection with, or incidental to, the carrying out of conformity assessment procedures or specific tasks as it may determine.

(2) The fees referred to in paragraph (1) must not exceed the following—

- (a) the costs incurred or to be incurred by the [<sup>F14</sup>approved] body in performing the relevant function; and
- (b) an amount on account of profit which is reasonable in the circumstances having regard to—
  - (i) the character and extent of the work done or to be done by that notified body on behalf of the applicant; and
  - (ii) the commercial rate normally charged on account of profit for that work or similar work.

(3) The power in paragraph (1) includes the power to require payment of fees or a reasonable estimate of such fees in advance of carrying out the work requested by the applicant.

(4) Where any fees payable to [<sup>F13</sup>an approved] body pursuant to this regulation remain unpaid 28 days after either the work has been requested or payment of the fees has been requested in writing, whichever is the later, the notified body may by 14 days' notice in writing provide that, unless the fees are paid before the expiry of the notice, the certificate or notification appropriate to the relevant conformity assessment procedure may be suspended until payment of the fees has been received.

(5) This regulation does not apply to the Secretary of State.

**Extent Information**

- E4** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F13** Words in [reg. 38](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 26 para. 24\(a\)](#) (with [Sch. 26 para. 5](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F14** Word in [reg. 38\(2\)\(a\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 26 para. 24\(b\)](#) (with [Sch. 26 para. 5](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**Fees N.I.**

**38.**—(1) A United Kingdom notified body may charge fees in connection with, or incidental to, the carrying out of conformity assessment procedures or specific tasks as it may determine.

(2) The fees referred to in paragraph (1) must not exceed the following—

- (a) the costs incurred or to be incurred by the United Kingdom notified body in performing the relevant function; and
- (b) an amount on account of profit which is reasonable in the circumstances having regard to—
  - (i) the character and extent of the work done or to be done by that notified body on behalf of the applicant; and
  - (ii) the commercial rate normally charged on account of profit for that work or similar work.

(3) The power in paragraph (1) includes the power to require payment of fees or a reasonable estimate of such fees in advance of carrying out the work requested by the applicant.

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the The Non-automatic Weighing Instruments Regulations 2016, PART 3. (See end of Document for details)*

(4) Where any fees payable to a United Kingdom notified body pursuant to this regulation remain unpaid 28 days after either the work has been requested or payment of the fees has been requested in writing, whichever is the later, the notified body may by 14 days' notice in writing provide that, unless the fees are paid before the expiry of the notice, the certificate or notification appropriate to the relevant conformity assessment procedure may be suspended until payment of the fees has been received.

(5) This regulation does not apply to the Secretary of State.

#### Extent Information

**E14** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

## CHAPTER 2

### REQUIREMENTS RELATING TO [F15]EU] DECLARATIONS OF CONFORMITY

**F15** Word in Pt. 3 Ch. 2 heading omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 26 para. 25** (with **Sch. 26 para. 5**) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**)

#### Application of Chapter

**39.** This Chapter applies in relation to [F16]EU] declarations of conformity made in relation to a regulated non-automatic weighing instrument for the purposes of these Regulations.

**F16** Word in [reg. 39](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 26 para. 25** (with **Sch. 26 para. 5**) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**)

#### Form and contents of <sup>F17</sup>... declaration of conformity etc. **E+W+S**

**40.**—(1) The <sup>F18</sup>... declaration of conformity must—

- (a) state that the fulfilment of the essential requirements has been demonstrated in relation to the regulated non-automatic weighing instrument;
- (b) have the model structure set out in [F19]Schedule 9]; and
- (c) contain the elements specified in the relevant modules set out in [F20]Schedule 7] and must be updated when appropriate.

(2) Where a regulated non-automatic weighing instrument is placed or made available on the market in the United Kingdom, the <sup>F21</sup>... declaration of conformity in relation to the instrument must be in English.

#### Extent Information

**E5** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

**F17** Word in [reg. 40](#) heading omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 26 para. 26(a)** (with **Sch. 26 para. 5**) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**)

- F18** Word in reg. 40(1) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 26 para. 26(a)** (with [Sch. 26 para. 5](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**
- F19** Words in reg. 40(1)(b) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 26 para. 26(b)** (with [Sch. 26 para. 5](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**
- F20** Words in reg. 40(1)(c) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 26 para. 26(c)** (with [Sch. 26 para. 5](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**
- F21** Word in reg. 40(2) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 26 para. 26(d)** (with [Sch. 26 para. 5](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**

### Form and contents of EU declaration of conformity etc. **N.I.**

**40.**—(1) The EU declaration of conformity must—

- (a) state that the fulfilment of the essential requirements has been demonstrated in relation to the regulated non-automatic weighing instrument;
- (b) have the model structure set out in Annex IV to the Directive; and
- (c) contain the elements specified in the relevant modules set out in Annex II to the Directive and must be updated when appropriate.

(2) Where a regulated non-automatic weighing instrument is placed or made available on the market in [<sup>F37</sup>Northern Ireland], the EU declaration of conformity in relation to the instrument must be in English.

#### Extent Information

- E15** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F37** Words in [reg. 40\(2\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 13 para. 4(1)**

### Regulated instruments that require more than one declaration of conformity **E+W+S**

[<sup>F22</sup>**41.** Where a non-automatic weighing instrument is subject to more than one enactment requiring the drawing up of a declaration of conformity, the manufacturer must draw up a single declaration of conformity which identifies each enactment by its title.]

#### Extent Information

- E6** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F22** [Reg. 41](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 26 para. 27** (with [Sch. 26 para. 5](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**



*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the The Non-automatic Weighing Instruments Regulations 2016, PART 3. (See end of Document for details)*

### Regulated instruments that require more than one declaration of conformity **N.I.**

**41.**—(1) This regulation applies where a regulated non-automatic weighing instrument is subject to [<sup>F38</sup>an NI Protocol obligation] for an EU declaration of conformity otherwise than by virtue of these Regulations.

(2) Where this regulation applies, a single EU declaration of conformity must be drawn up covering all applicable requirements which identifies the [<sup>F39</sup>relevant] Union acts concerned including their publication references.

#### Extent Information

- E16** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F38** Words in reg. 41(1) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 13 para. 4(2)(a)**
- F39** Word in reg. 41(2) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 13 para. 4(2)(b)**

### Responsibility of manufacturer that draws up declaration of conformity **E+W+S**

**42.** A manufacturer, who draws up [<sup>F23</sup>a] declaration of conformity in relation to a regulated non-automatic weighing instrument, is responsible for compliance of that instrument with the requirements of these Regulations.

#### Extent Information

- E7** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F23** Word in reg. 42 substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 26 para. 28** (with Sch. 26 para. 5) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**

### Responsibility of manufacturer that draws up declaration of conformity **N.I.**

**42.** A manufacturer, who draws up an EU declaration of conformity in relation to a regulated non-automatic weighing instrument, is responsible for compliance of that instrument with the requirements of these Regulations.

#### Extent Information

- E17** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only



## CHAPTER 3

## CONFORMITY MARKING

**Conformity with <sup>F24</sup>... requirements to be indicated by the [<sup>F25</sup>UK] marking** **E+W+S**

**43.** The conformity of a regulated non-automatic weighing instrument with the requirements of these Regulations must be indicated by the presence on it of the [<sup>F26</sup>UK] marking and the M marking.

**Extent Information**

- E8** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F24** Word in reg. 43 heading omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 26 para. 29\(a\)](#) (with [Sch. 26 para. 5](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F25** Word in reg. 43 heading substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 26 para. 29\(b\)](#) (with [Sch. 26 para. 5](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F26** Word in reg. 43 substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 26 para. 29\(b\)](#) (with [Sch. 26 para. 5](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**Conformity with Directive requirements to be indicated by the CE marking** **N.I.**

**43.** The conformity of a regulated non-automatic weighing instrument with the requirements of these Regulations must be indicated by the presence on it of the CE marking and the M marking.

**Extent Information**

- E18** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

**[<sup>F27</sup>Prohibition on improper use of UK marking and the M marking** **E+W+S**

**44.**—(1) An economic operator must not affix the UK marking or the M marking to a regulated non-automatic weighing instrument unless—

- (a) that economic operator is the manufacturer of the non-automatic weighing instrument; and
- (b) the conformity of the non-automatic weighing instrument with the essential requirements has been demonstrated by a conformity assessment procedure.

(2) An economic operator must not affix a marking to a regulated non-automatic weighing instrument which is not the UK marking or the M marking but which purports to attest that the non-automatic weighing instrument satisfies the essential requirements.

(3) An economic operator must not affix to a regulated non-automatic weighing instrument any other marking if the visibility, legibility and meaning of the UK marking or the M marking would be impaired as a result.]

**Status:** Point in time view as at 31/12/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Non-automatic Weighing Instruments Regulations 2016, PART 3. (See end of Document for details)

#### Extent Information

- E9** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F27** Reg. 44 substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 26 para. 30** (with Sch. 26 para. 5) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, **Sch. 5 para. 1(1)**

### General principles relating to the M marking **N.I.**

**44.** The general principles set out in article 30 of RAMS apply to the M marking with such modifications as are necessary in the circumstances.

#### Extent Information

- E19** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

### Rules and conditions for affixing the **[<sup>F28</sup>UK]** marking and the M marking etc. **E+W+S**

**45.—(1)** The [<sup>F29</sup>UK] marking and M marking (“the markings”) must be affixed to a regulated non-automatic weighing instrument in accordance with the provisions of this regulation.

(2) The markings must be affixed visibly, legibly and indelibly to the regulated non-automatic weighing instrument [<sup>F30</sup>, its data plate, or where regulation 6(2) applies in respect of the UK marking, to a label affixed to the regulated non-automatic weighing instrument, or to a document accompanying the regulated non-automatic weighing instrument].

(3) The markings must be affixed before the regulated non-automatic weighing instrument is placed on the market.

(4) The M marking must immediately follow the [<sup>F31</sup>UK] marking.

(5) The markings must immediately be followed by the identification of the [<sup>F32</sup>approved] body where that body is involved in the production control phase as set out in [<sup>F33</sup>Schedule 7].

(6) The identification number of the [<sup>F34</sup>approved] body which carried out the conformity assessment procedure must be affixed by the body itself, or under its instructions by the manufacturer or the manufacturer's authorised representative.

(7) The markings and the identification number of the [<sup>F35</sup>approved] body may be followed by any other mark indicating a special risk or use.

#### Extent Information

- E10** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F28** Word in [reg. 45 heading](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 26 para. 31(a)** (with Sch. 26 para. 5) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F29** Word in [reg. 45\(1\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 26 para. 31(a)** (with Sch. 26 para. 5) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

- F30** Words in reg. 45(2) substituted (E.W.S.) (31.12.2020) by S.I. 2019/696, Sch. 26 para. 31(ab) (as inserted by The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 (S.I. 2020/1460), reg. 1(4), **Sch. 3 para. 18(5)**)
- F31** Word in reg. 45(4) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 26 para. 31(a)** (with Sch. 26 para. 5) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1))
- F32** Word in reg. 45(5) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 26 para. 31(c)** (with Sch. 26 para. 5) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1))
- F33** Words in reg. 45(5) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 26 para. 31(b)** (with Sch. 26 para. 5) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1))
- F34** Word in reg. 45(6) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 26 para. 31(c)** (with Sch. 26 para. 5) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1))
- F35** Word in reg. 45(7) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 26 para. 31(c)** (with Sch. 26 para. 5) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1))

### Rules and conditions for affixing the CE marking and the M marking etc. **N.I.**

45.—(1) The CE marking and M marking (“the markings”) must be affixed to a regulated non-automatic weighing instrument in accordance with the provisions of this regulation.

(2) The markings must be affixed visibly, legibly and indelibly to the regulated non-automatic weighing instrument or its data plate.

(3) The markings must be affixed before the regulated non-automatic weighing instrument is placed on the market.

(4) The M marking must immediately follow the CE marking.

(5) The markings must immediately be followed by the identification of the notified body where that body is involved in the production control phase as set out in Annex II to the Directive.

(6) The identification number of the notified body which carried out the conformity assessment procedure must be affixed by the body itself, or under its instructions by the manufacturer or the manufacturer's authorised representative.

(7) The markings and the identification number of the notified body may be followed by any other mark indicating a special risk or use.

#### Extent Information

**E20** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

#### [<sup>F36</sup>UK(NI) indication

45A.—(1) Where the CE marking is affixed on the basis of an assessment or a certificate issued by a notified body established in the United Kingdom, a UK(NI) indication must be affixed in relation to the regulated non-automatic weighing instrument, in accordance with this regulation.

(2) The UK(NI) indication must be affixed—

(a) visibly, legibly and indelibly; and

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the The Non-automatic Weighing Instruments Regulations 2016, PART 3. (See end of Document for details)*

- (b) before the regulated non-automatic weighing instrument is placed on the market in Northern Ireland.
- (3) The UK(NI) indication must accompany the CE marking, wherever that is affixed in accordance with regulation 45.
- (4) The UK(NI) indication must be affixed by—
  - (a) the manufacturer; or
  - (b) the manufacturer's authorised representative.
- (5) When placing a regulated non-automatic weighing instrument on the market in Northern Ireland, an importer must ensure that the manufacturer has complied with their obligations under this regulation.]

**F36** Regs. 45A, 45B inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), reg. 1(2), **Sch. 2 para. 11(3)**

#### [<sup>F36</sup>Register of notified bodies established in the United Kingdom

- 45B.**—(1) The Secretary of State must ensure that—
- (a) each notified body established in the United Kingdom is assigned an identification number; and
  - (b) there is a register of—
    - (i) notified bodies established in the United Kingdom;
    - (ii) their notified body identification number;
    - (iii) the activities for which they have been notified;
    - (iv) any restrictions on those activities.
- (2) The Secretary of State must ensure that the register referred to in paragraph (1) is maintained and made publicly available.
- (3) The Secretary of State may authorise the United Kingdom Accreditation Service to compile and maintain the register in accordance with paragraph (1)(b).]

**F36** Regs. 45A, 45B inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), reg. 1(2), **Sch. 2 para. 11(3)**

**Status:**

Point in time view as at 31/12/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the The Non-automatic Weighing Instruments Regulations 2016, PART 3.