
STATUTORY INSTRUMENTS

2016 No. 1152

The Non-automatic Weighing Instruments Regulations 2016

PART 1

INTRODUCTORY

[^{F1} Transitional provision in relation to EU Exit

4A.—(1) In this regulation—
“pre-exit period” means the period beginning with the commencement date and ending immediately before IP completion day.

(2) Subject to paragraph (3), where a non-automatic weighing instrument was made available on the market during the pre-exit period, despite the amendments made by Schedule 26 to the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019^{F2}, any obligation to which a person was subject under these Regulations as they had effect immediately before IP completion day, continues to have effect as it did immediately before IP completion day, in relation to that non-automatic weighing instrument.

(3) Paragraph (2) does not apply to—

- (a) any obligation of any competent authority to inform the European Commission or Member States of any matter; or
- (b) any obligation to take action outside of the United Kingdom in respect of that non-automatic weighing instrument.

(4) Where during the pre-exit period—

- (a) a non-automatic weighing instrument has not been placed on the market; and
- (b) a manufacturer has taken any action under regulation 36 as it had effect immediately before IP completion day in relation to that non-automatic weighing instrument,

that action has effect as if it had been done under regulation 36 as it had effect on and after IP completion day.]

[^{F3}(5) Where paragraph (6) applies to a regulated non-automatic weighing instrument, regulations 67 and 68 have effect subject to the modifications in paragraph (7).

(6) This paragraph applies to a regulated non-automatic weighing instrument that has been placed on the market—

- (a) during the pre-exit period; or
- (b) pursuant to Article 41 of the EU withdrawal agreement.

(7) The modifications referred to in paragraph (5) are that—

- (a) the reference in regulation 67(1)(a) to “UK marking” is to be read as a reference to the CE marking within the meaning of Article 2(19) of the Directive;
- (b) the reference in regulation 67(1)(b) to “M marking” is to be read as a reference to the supplementary metrology marking as described in Article 16(2) of the Directive;

- (c) the reference in regulation 67(1)(c) to “approved body” is to be read as a reference to the body that undertook any conformity assessment procedure in accordance with Article 13 of the Directive;
- (d) the references in regulations 67(2)(b) and 68(4)(b) to “type examination certificate” are to be read as references to an EU-type examination certificate, issued in accordance with the conformity assessment procedure set out in point 1 of Annex II to the Directive, known as “Module B”.

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^{F4}(8) Subject to paragraph (9), where before 11pm on 31st December 2024—

- (a) a non-automatic weighing instrument has not been placed on the market or put into service; and
- (b) a manufacturer has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 13 of the Directive

that action has effect as if it had been done under the applicable conformity assessment procedure referred to in regulation 36.

(9) Paragraph (8) does not apply—

- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
- (b) in any event, after 31st December 2027.]]

Textual Amendments

- F1** Reg. 4A inserted (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. 5** (as amended by S.I. 2020/676, regs. 1(1), 2 and further amended by S.I. 2020/852, regs. 2(2), 4(2), **Sch. 1 para. 1(o)(iii)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F2** S.I. 2019/696.
- F3** Reg. 4A(5)-(7) inserted (9.12.2021) by [The Product Safety and Metrology etc. \(Amendment\) Regulations 2021 \(S.I. 2021/1273\)](#), regs. 1, **11(2)**
- F4** Reg. 4A(8)(9) inserted (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1393\)](#), regs. 1(1), **17(2)**

Changes to legislation:

There are currently no known outstanding effects for the The Non-automatic Weighing Instruments Regulations 2016, Section 4A.