

## STATUTORY INSTRUMENTS

# 2016 No. 1152

## The Non-automatic Weighing Instruments Regulations 2016

### PART 5

#### [<sup>F1</sup>NOTIFICATION OF CONFORMITY ASSESSMENT BODIES][<sup>F1</sup>APPROVAL OF CONFORMITY ASSESSMENT BODIES]

#### [<sup>F1</sup>UK national accreditation body **E+W+S**

**54.**—(1) The Secretary of State may authorise the UK national accreditation body to carry out the following activities on behalf of the Secretary of State—

- (a) assessing whether a conformity assessment body meets the approved body requirements; and
- (b) monitoring approved bodies in accordance with regulation 50.

(2) Where the Secretary of State authorises the UK national accreditation body pursuant to paragraph (1), the Secretary of State remains fully responsible for anything done pursuant to that authorisation.]

#### 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

#### Textual Amendments

**F1** Pt. 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. 32](#) (with [Sch. 26 para. 5](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), 2; [S.I. 2020/852](#), reg. 4(2), [Sch. 1 paras. 1\(o\)\(v\), \(vi\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Changes to notifications **N.I.**

**54.**—(1) Where the Secretary of State determines that a notified body no longer meets a notified body requirement, or that it is failing to fulfil any of its obligations under these Regulations other than conditions set in accordance with regulation 49(6)(b), the Secretary of State must restrict, suspend or withdraw the body's status as a notified body under regulation 49 (notification).

(2) With the consent of a notified body, or where the Secretary of State determines that a notified body no longer meets a condition set in accordance with regulation 49(6)(b), the Secretary of State may restrict, suspend or withdraw the body's status as a notified body under regulation 49 (notification).

(3) In deciding what action is required under paragraph (1) or (2), the Secretary of State must have regard to the seriousness of the failure.

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**Status:** There are multiple versions of this provision on screen. These apply to different geographical extents.**Skip to:** E+W+S - England, Wales and Scotland extentN.I. - Northern Ireland extent  
**Changes to legislation:** There are currently no known outstanding effects for the The Non-automatic Weighing Instruments Regulations 2016, Section 54. (See end of Document for details)

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- (4) Before taking action under paragraph (1) or (2), the Secretary of State must—
- (a) give notice in writing that the Secretary of State intends to take such action and the reasons for taking such action; and
  - (b) give the notified body an opportunity to make representations within a reasonable period from the date of that notice and consider any such representations.
- (5) Where the Secretary of State takes action under paragraph (1) or (2), the Secretary of State must immediately inform the Commission and the other [<sup>F2</sup>relevant] states.
- (6) Where the Secretary of State has taken action in respect of a notified body under paragraph (1) or (2), or where a notified body has ceased its activity, the body must—
- (a) on the request of the Secretary of State, transfer its files to another notified body or to the Secretary of State; or
  - (b) in the absence of a request under sub-paragraph (a), ensure that its files are kept available for the Secretary of State and each enforcing authority for such period as the Secretary of State may specify.
- (7) The Secretary of State may impose a monetary penalty on a United Kingdom notified body that fails to comply with any requirement imposed by or under paragraph (6).
- (8) Schedule 5 has effect in relation to monetary penalties imposed under paragraph (7).

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**Extent Information**

**E2** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

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**Textual Amendments**

**F2** Word in [reg. 54\(5\)](#) 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. 5\(3\)](#)

**Status:**

There are multiple versions of this provision on screen. These apply to different geographical extents.

**Skip to:**

- E+W+S - England, Wales and Scotland extent
- N.I. - Northern Ireland extent

**Changes to legislation:**

There are currently no known outstanding effects for the The Non-automatic Weighing Instruments Regulations 2016, Section 54.