

## STATUTORY INSTRUMENTS

# 2016 No. 1152

## The Non-automatic Weighing Instruments Regulations 2016

### PART 8

#### MARKET SURVEILLANCE AND ENFORCEMENT

##### CHAPTER 1

##### MARKET SURVEILLANCE

#### **Compliant regulated non-automatic weighing instruments which present a risk** E+W+S

**60.**—(1) This regulation applies where, having carried out an evaluation under regulation 58 (regulated non-automatic weighing instruments presenting a risk), the market surveillance authority finds that although a regulated non-automatic weighing instrument is in compliance with the requirements of these Regulations, it presents a risk in relation to its use in relation to any activity referred to in regulation 3(2).

(2) Where this regulation applies, the market surveillance authority must issue a direction requiring the economic operator to—

- (a) take all appropriate measures to ensure that the non-automatic weighing instrument concerned, when placed on the market, no longer presents that risk;
- (b) withdraw the non-automatic weighing instrument from the market; or
- (c) recall it within a reasonable period, commensurate with the nature of the risk as it may prescribe.

(3) Where this regulation applies, the market surveillance authority must immediately inform the [<sup>F1</sup>Secretary of State] of all available details including—

- (a) the data necessary for the identification of the regulated non-automatic weighing instrument concerned;
- (b) the origin and supply chain of the regulated non-automatic weighing instrument;
- (c) the nature of the risk involved; and
- (d) the nature and duration of the national measures taken.

#### **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** Words in [reg. 60\(3\)](#) 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. 35](#) (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: 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 60. (See end of Document for details)*

## Compliant regulated non-automatic weighing instruments which present a risk **N.I.**

**60.**—(1) This regulation applies where, having carried out an evaluation under regulation 58 (regulated non-automatic weighing instruments presenting a risk), the market surveillance authority finds that although a regulated non-automatic weighing instrument is in compliance with the requirements of these Regulations, it presents a risk in relation to its use in relation to any activity referred to in regulation 3(2).

(2) Where this regulation applies, the market surveillance authority must issue a direction requiring the economic operator to—

- (a) take all appropriate measures to ensure that the non-automatic weighing instrument concerned, when placed on the market [<sup>F2</sup>in Northern Ireland], no longer presents that risk;
- (b) withdraw the non-automatic weighing instrument from the market [<sup>F3</sup>in Northern Ireland]; or
- (c) recall it within a reasonable period, commensurate with the nature of the risk as it may prescribe.

(3) Where this regulation applies, the market surveillance authority must immediately inform the Commission and the other [<sup>F4</sup>relevant] states of all available details including—

- (a) the data necessary for the identification of the regulated non-automatic weighing instrument concerned;
- (b) the origin and supply chain of the regulated non-automatic weighing instrument;
- (c) the nature of the risk involved; and
- (d) the nature and duration of the national measures taken.

### 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

### Textual Amendments

- F2** Words in [reg. 60\(2\)\(a\)](#) 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. 6\(3\)\(a\)\(i\)](#)
- F3** Words in [reg. 60\(2\)\(b\)](#) 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. 6\(3\)\(a\)\(ii\)](#)
- F4** Word in [reg. 60\(3\)](#) 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. 6\(3\)\(b\)](#)

**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 60.