
STATUTORY INSTRUMENTS

2016 No. 1152

The Non-automatic Weighing Instruments Regulations 2016

PART 8

MARKET SURVEILLANCE AND ENFORCEMENT

CHAPTER 2

ENFORCEMENT PROCEDURES

Compliance notice procedure **E+W+S**

63.—(1) This regulation applies where a competent authority has reasonable grounds for considering that one or more of the following breaches applies in relation to a regulated non-automatic weighing instrument that has been placed on the market—

- (a) the [^{F1}UK] marking or the M marking has been affixed in violation of [^{F2}regulation 44 or regulation 45];
- (b) the [^{F3}UK] marking or the M marking has not been affixed;
- (c) the identification number of the [^{F4}approved] body, where the body is involved in the production control phase has—
 - (i) been affixed otherwise than in accordance with the requirements of these Regulations; or
 - (ii) not been affixed;
- (d) the ^{F5}... declaration of conformity has not been drawn up correctly;
- (e) the technical documentation is either not available or is not complete;
- (f) the information referred to in regulation 10 (manufacturers to mark contact details on regulated non-automatic weighing instruments) or regulation 18 (requirements to mark importers' details on regulated non-automatic weighing instruments) is absent, false or incomplete; or
- (g) any other failure—
 - (i) by a manufacturer to comply with the requirements of Chapter 1 of Part 2; or
 - (ii) by an importer to comply with the requirements of Chapter 2 of Part 2.

(2) The competent authority may serve a notice in writing (“a compliance notice”) on the economic operator it considers is responsible for the breach which must—

- (a) describe the regulated non-automatic weighing instrument to which it relates in a manner sufficient to identify that instrument;
- (b) specify which of the circumstances in paragraph (1) applies in relation to the regulated non-automatic weighing instrument;
- (c) require the economic operator on whom the notice is served to take steps specified in the notice to remedy the matters referred to in sub-paragraph (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 63. (See end of Document for details)

- (d) specify the date, being not less than 21 days from the date of the notice, by which the steps specified in it must be taken; and
 - (e) warn that person that, where the non-conformity continues beyond the date specified in sub-paragraph (d), the competent authority may take further action under regulation 64 (enforcement notice procedure) in respect of that regulated non-automatic weighing instrument.
- (3) Where a compliance notice is served by a competent authority other than the Secretary of State, it must, at the same time as it serves that notice, send a copy to the Secretary of State.

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** Word in reg. 63(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. 36(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. 63(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. 36(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)
- F3** Word in reg. 63(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. 36(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)
- F4** Word in reg. 63(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. 36(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)
- F5** Word in reg. 63(1)(d) 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. 36(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)

Compliance notice procedure **N.I.**

63.—(1) This regulation applies where a competent authority has reasonable grounds for considering that one or more of the following breaches applies in relation to a regulated non-automatic weighing instrument that has been placed on the market—

- (a) the CE marking or the M marking has been affixed in violation of Article 30 of the RAMS Regulation or the requirements of these Regulations;
- (b) the CE marking or the M marking has not been affixed;
- (c) the identification number of the notified body, where the body is involved in the production control phase has—
 - (i) been affixed otherwise than in accordance with the requirements of these Regulations; or
 - (ii) not been affixed;
- [^{F6}(ca) the UK(NI) indication—
 - (i) has not been affixed, in contravention of regulation 45A; or
 - (ii) has been affixed other than in accordance with regulation 45A;]
- (d) the EU declaration of conformity has not been drawn up correctly;

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Changes to legislation: There are currently no known outstanding effects for the The Non-automatic Weighing Instruments Regulations 2016, Section 63. (See end of Document for details)

- (e) the technical documentation is either not available or is not complete;
 - (f) the information referred to in regulation 10 (manufacturers to mark contact details on regulated non-automatic weighing instruments) or regulation 18 (requirements to mark importers' details on regulated non-automatic weighing instruments) is absent, false or incomplete; or
 - (g) any other failure—
 - (i) by a manufacturer to comply with the requirements of Chapter 1 of Part 2; or
 - (ii) by an importer to comply with the requirements of Chapter 2 of Part 2.
- (2) The competent authority may serve a notice in writing (“a compliance notice”) on the economic operator it considers is responsible for the breach which must—
- (a) describe the regulated non-automatic weighing instrument to which it relates in a manner sufficient to identify that instrument;
 - (b) specify which of the circumstances in paragraph (1) applies in relation to the regulated non-automatic weighing instrument;
 - (c) require the economic operator on whom the notice is served to take steps specified in the notice to remedy the matters referred to in sub-paragraph (b);
 - (d) specify the date, being not less than 21 days from the date of the notice, by which the steps specified in it must be taken; and
 - (e) warn that person that, where the non-conformity continues beyond the date specified in sub-paragraph (d), the competent authority may take further action under regulation 64 (enforcement notice procedure) in respect of that regulated non-automatic weighing instrument.
- (3) Where a compliance notice is served by a competent authority other than the Secretary of State, it must, at the same time as it serves that notice, send a copy to the Secretary of State.

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

- F6** Reg. 63(1)(ca) 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(4)**

Status:

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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 63.