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STATUTORY INSTRUMENTS

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**2016 No. 1152**

The Non-automatic Weighing Instruments Regulations 2016

PART 8

MARKET SURVEILLANCE AND ENFORCEMENT

CHAPTER 2

ENFORCEMENT PROCEDURES

**Compliance notice procedure**

**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;
- (d) the EU 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);

- (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.