
STATUTORY INSTRUMENTS

2016 No. 1152

The Non-automatic Weighing Instruments Regulations 2016

PART 8

MARKET SURVEILLANCE AND ENFORCEMENT

CHAPTER 2

ENFORCEMENT PROCEDURES

Re-qualification **E+W+S**

- 68.—(1) This regulation applies where—
- (a) a disqualification mark has been affixed to a regulated non-automatic weighing instrument in accordance with regulation 67 (disqualification);
 - (b) a notice has been served under regulation 67(4); or
 - (c) a regulated non-automatic weighing instrument intended to be used for any of the purposes mentioned in regulation 3(2) in the circumstances referred to in [^{F1}regulation 67(2) or 67(3)] but a disqualification mark has not been affixed to the instrument.
- (2) A person requiring a re-qualification mark to be affixed to the regulated non-automatic weighing instrument must submit it, in such manner as may be directed, to a re-qualification authority and provide such assistance as the requalification authority may reasonably require.
- (3) For the purposes of this regulation, a requalification authority is—
- (a) an inspector;
 - (b) an approved verifier;
 - (c) [^{F2}an] approved [^{F3}... body for module F or F1 in [^{F4}Schedule 7]; or
 - (d) a manufacturer whose quality system has been approved by a UK [^{F5}approved] body under module D or D1 of [^{F6}Schedule 7] for the purposes of re-qualification.
- (4) A requalification authority may affix a re-qualification mark to that regulated non-automatic weighing instrument if satisfied that the instrument is compliant with—
- (a) the essential requirements;
 - (b) any [^{F7}...type examination certificate which applies to it; and
 - (c) where it is intended that the instrument is to be used for trade any requirements applicable to that instrument by virtue of Schedule 4.
- (5) For the purposes of being satisfied that a re-qualification mark may be affixed to a regulated non-automatic weighing instrument, a requalification authority may take such steps as the requalification authority considers appropriate, including testing the instrument by means of such test equipment as the requalification authority considers appropriate and suitable for the purpose.
- (6) There may be charged in respect of any steps taken under paragraph (5) such fees as are reasonable in the circumstances.

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 68. (See end of Document for details)

(7) The requalification authority must keep a record of any test carried out under paragraph (5).

(8) Where a re-qualification mark is affixed to a regulated non-automatic weighing instrument pursuant to paragraph (4), it must be affixed in such a position that it obliterates as far as possible any disqualification mark.

[^{F8}(9) Where a re-qualification mark is affixed to a regulated non-automatic weighing instrument pursuant to paragraph (4), it must be accompanied by—

- (a) the letters indicating the status of the requalification authority, as follows—
 - (i) “INS” if the requalification authority is an inspector;
 - (ii) “AV” if the requalification authority is an approved verifier;
 - (iii) “AB” if the requalification authority is an approved body for module F or F1 in Schedule 7; or
 - (iv) “AM” if the requalification authority is a manufacturer whose quality system has been approved by an approved body under module D or D1 of Schedule 7 for the purposes of re-qualification;
- (b) the identification number of the requalification authority;
- (c) the year of re-qualification in numerical form; and
- (d) the letters “GB” or, where the instrument was placed on the market pursuant to regulation 32D (Qualifying Northern Ireland Goods), the letters “QNIG”.

(10) In this regulation—

- (a) “identification number of the requalification authority” means—
 - (i) where the requalification authority is an inspector or approved verifier, the number used to identify them in connection with their approval by or under section 11 of the Weights and Measures Act 1985 (certain equipment to be passed and stamped by inspector);
 - (ii) where the requalification authority is an approved body, the identification number assigned to it pursuant to regulation 53(1)(a);
 - (iii) where the requalification authority is a manufacturer whose quality system has been approved by an approved body under module D or D1 of Schedule 7 for the purposes of re-qualification, the requalification authority identification number assigned to it by the Secretary of State;
- (b) the re-qualification mark and the information accompanying it required by paragraph (9) may be affixed to a regulated non-automatic weighing instrument by affixing to the instrument a label which clearly, legibly and indelibly bears the re-qualification mark and that accompanying information.]

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. 68(1)(c) substituted (1.2.2019) by [The Weights and Measures etc. \(Miscellaneous\) \(Amendment\) Regulations 2019 \(S.I. 2019/5\)](#), regs. 1, **7(4)**
- F2** Word in reg. 68(3)(c) substituted (E.W.S.) (9.12.2021) by [The Product Safety and Metrology etc. \(Amendment\) Regulations 2021 \(S.I. 2021/1273\)](#), regs. 1, **11(6)(a)**

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Changes to legislation: There are currently no known outstanding effects for the The Non-automatic Weighing Instruments Regulations 2016, Section 68. (See end of Document for details)

- F3** Word in reg. 68(3)(c) 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. 39(a)(i)** (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** Words in reg. 68(3)(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. 39(a)(ii)** (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. 68(3)(d) 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. 39(b)(i)** (with Sch. 26 para. 5) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in reg. 68(3)(d) 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. 39(b)(ii)** (with Sch. 26 para. 5) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Word in reg. 68(4)(b) 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. 39(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)
- F8** Reg. 68(9)(10) inserted (E.W.S.) (9.12.2021) by The Product Safety and Metrology etc. (Amendment) Regulations 2021 (S.I. 2021/1273), regs. 1, **11(6)(b)**

Re-qualification **N.I.**

68.—(1) This regulation applies where—

- (a) a disqualification mark has been affixed to a regulated non-automatic weighing instrument in accordance with regulation 67 (disqualification);
- (b) a notice has been served under regulation 67(4); or
- (c) a regulated non-automatic weighing instrument intended to be used for any of the purposes mentioned in regulation 3(2) in the circumstances referred to in [F9 regulation 67(2) or 67(3)] but a disqualification mark has not been affixed to the instrument.

(2) A person requiring a re-qualification mark to be affixed to the regulated non-automatic weighing instrument must submit it, in such manner as may be directed, to a re-qualification authority and provide such assistance as the requalification authority may reasonably require.

(3) For the purposes of this regulation, a requalification authority is—

- (a) an inspector;
- (b) an approved verifier;
- (c) a UK approved notified body for module F or F1 in Annex II to the Directive; or
- (d) a manufacturer whose quality system has been approved by a UK notified body under module D or D1 of Annex II to the Directive for the purposes of re-qualification.

(4) A requalification authority may affix a re-qualification mark to that regulated non-automatic weighing instrument if satisfied that the instrument is compliant with—

- (a) the essential requirements;
- (b) any EU-type examination certificate which applies to it; and
- (c) where it is intended that the instrument is to be used for trade any requirements applicable to that instrument by virtue of Schedule 4.

(5) For the purposes of being satisfied that a re-qualification mark may be affixed to a regulated non-automatic weighing instrument, a requalification authority may take such steps as the requalification authority considers appropriate, including testing the instrument by means of such test equipment as the requalification authority considers appropriate and suitable for the purpose.

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 68. (See end of Document for details)

(6) There may be charged in respect of any steps taken under paragraph (5) such fees as are reasonable in the circumstances.

(7) The requalification authority must keep a record of any test carried out under paragraph (5).

(8) Where a re-qualification mark is affixed to a regulated non-automatic weighing instrument pursuant to paragraph (4), it must be affixed in such a position that it obliterates as far as possible any disqualification mark.

[^{F10}(9) Where a re-qualification mark is affixed to a regulated non-automatic weighing instrument pursuant to paragraph (4), it must be accompanied by—

(a) the letters indicating the status of the requalification authority, as follows—

- (i) “INS” if the requalification authority is an inspector;
- (ii) “AV” if the requalification authority is an approved verifier;
- (iii) “NB” if the requalification authority is a UK approved notified body for module F or F1 in Annex II to the Directive; or
- (iv) “AM” if the requalification authority is a manufacturer whose quality system has been approved by a UK notified body under module D or D1 of Annex II to the Directive for the purposes of re-qualification;

(b) the identification number of the requalification authority;

(c) the year of re-qualification in numerical form; and

(d) the letters “NI”.

(10) In this regulation—

(a) “identification number of the requalification authority” means—

- (i) where the requalification authority is an inspector or approved verifier, the number used to identify them in connection with their approval by or under article 9 of the Weights and Measures (Northern Ireland) Order 1981 (weighing or measuring equipment for use for trade);
- (ii) where the requalification authority is a UK approved notified body, the identification number referred to in regulation 45B(1)(a);
- (iii) where the requalification authority is a manufacturer whose quality system has been approved by a UK notified body under module D or D1 of Annex II to the Directive for the purposes of re-qualification, the requalification authority identification number assigned to it by the Secretary of State;

(b) the re-qualification mark and the information accompanying it required by paragraph (9), may be affixed to a regulated non-automatic weighing instrument by affixing to the instrument a label which clearly, legibly and indelibly bears the re-qualification mark and that accompanying information.]

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

F9 Words in reg. 68(1)(c) substituted (1.2.2019) by [The Weights and Measures etc. \(Miscellaneous\) \(Amendment\) Regulations 2019 \(S.I. 2019/5\)](#), regs. 1, **7(4)**

F10 [Reg. 68\(9\)\(10\)](#) inserted (N.I.) (9.12.2021) by [The Product Safety and Metrology etc. \(Amendment\) Regulations 2021 \(S.I. 2021/1273\)](#), regs. 1, **14**

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 68.