
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Directive 2014/32/EU of the European Parliament and of the Council of 26th February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of measuring instruments. These Regulations revoke and replace the instruments listed in Schedule 3, paragraph 1. The Regulations draw a distinction between “regulated measuring” instruments and “non-prescribed measuring instruments”. The former (which are listed in regulation 3(2)) are required to meet the technical specifications (referred to as “essential requirements”) which are set out in the Directive and referred to in Schedule 1 to the Regulations. On the other hand, “non-prescribed measuring instruments” (any measuring instrument referred to in Regulation 3(1) but which is not a regulated measuring instrument) are not regulated in the United Kingdom but provision is made to allow them to meet the applicable essential requirements where the instrument is for export to a EEA state which requires compliance with the essential requirements.

Part 1 of the Regulations contains definitions, revocations and transitional provisions and an exemption from the requirements of the Regulations in relation to trade fairs, exhibitions and demonstrations.

Part 2 of the Regulations sets out the obligations of economic operators (manufacturers, importers and distributors) in relation to the marketing of regulated measuring instruments in the United Kingdom and in particular to ensure that they meet the essential requirements applicable to those instruments. Part 3 of the Regulations makes provision for the establishment of compliance with the essential requirements of non-prescribed measuring instruments.

Part 4 of the Regulations contains provisions as to how compliance with the essential requirements is to be achieved and the application of conformity assessment procedures to establish compliance with the essential requirements by bodies designated by EEA states (which are referred to in the Regulations as “notified bodies”) and related matters.

Part 5 of the Regulations makes provision for the designation of notified bodies and their notification to the European Commission. Part 6 of the Regulations contains provisions that regulate the use for trade of the measuring instruments referred to in regulation 61.

Part 7 of the Regulations makes provision for market surveillance in relation to regulated measuring instruments and enforcement of the Regulations. Part 8 of the Regulations makes provision in relation to the unauthorised application of marks and provision in relation to penalties for offences, defences and the criminal liability of persons other than a principal offender. Part 9 of the Regulations contains miscellaneous and supplemental provisions.

A draft of these Regulations was notified to the European Commission in accordance with Directive 98/34/EC of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations (OJ L 204, 21.7.1998, p.37) as amended by Directive 98/48/EC (OJ L 217, 5.8.1998, p.18).

A transposition not and an impact assessment of the effect that this instrument will have on the costs of business, the public sector and voluntary sector is available from the Regulatory Delivery Directorate 1 Victoria Street, London SW1 0ET. They are available with the explanatory memorandum on www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Measuring Instruments Regulations 2016.