
STATUTORY INSTRUMENTS

2021 No. 1273

The Product Safety and Metrology
etc. (Amendment) Regulations 2021

PART 3

Provisions in respect of England and Wales and Scotland

Amendment to the Non-automatic Weighing Instruments Regulations 2016

- 11.**—(1) The Non-automatic Weighing Instruments Regulations 2016 are amended as follows.
- (2) In regulation 4A (transitional provisions in relation to EU exit), at the end insert—
- “(5) Where paragraph (6) applies to a regulated non-automatic weighing instrument, regulations 67 and 68 have effect subject to the modifications in paragraph (7).
- (6) This paragraph applies to a regulated non-automatic weighing instrument that has been placed on the market—
- (a) during the pre-exit period; or
- (b) pursuant to Article 41 of the EU withdrawal agreement.
- (7) The modifications referred to in paragraph (5) are that—
- (a) the reference in regulation 67(1)(a) to “UK marking” is to be read as a reference to the CE marking within the meaning of Article 2(19) of the Directive;
- (b) the reference in regulation 67(1)(b) to “M marking” is to be read as a reference to the supplementary metrology marking as described in Article 16(2) of the Directive;
- (c) the reference in regulation 67(1)(c) to “approved body” is to be read as a reference to the body that undertook any conformity assessment procedure in accordance with Article 13 of the Directive;
- (d) the references in regulations 67(2)(b) and 68(4)(b) to “type examination certificate” are to be read as references to an EU-type examination certificate, issued in accordance with the conformity assessment procedure set out in point 1 of Annex II to the Directive, known as “Module B”.”.
- (3) In regulation 32A(8)(h), at the beginning insert “except in relation to regulation 68,”.
- (4) In regulation 32C—
- (a) in paragraph (1), for “paragraph (2)” substitute “paragraphs (2) and (6)”;
- (b) in paragraph (3), for “paragraph (4)” substitute “paragraphs (4) and (6)”;
- (c) after paragraph (5), insert—
- “(6) regulations 67 and 68 continue to have effect in relation to any non-automatic weighing instrument—
- (a) placed on the market pursuant to 32A; or

- (b) in relation to which a manufacturer has undertaken a conformity assessment procedure in accordance with regulation 32B,
as if regulations 32A or 32B had not expired.”
- (5) After regulation 32D(3), insert—
- “(3A) After a non-automatic weighing instrument has been placed on the market pursuant to this regulation, regulations 67 and 68 are to be read in relation to that instrument subject to the following modifications—
- (a) the reference in regulation 67(1)(a) to “UK marking” is to be read as a reference to the CE marking, within the meaning of regulation 2(1) as it applies in Northern Ireland;
 - (b) the reference in regulation 67(1)(b) to “M marking”, is to be read as a reference to the M Marking as defined in regulation 2(1), as it applies in Northern Ireland;
 - (c) the reference in regulation 67(1)(c) to “approved body” is to be read as a reference to a “notified body” as defined in regulation 2(1), as it applies in Northern Ireland;
 - (d) the references in regulations 67(2)(a) and 68(4)(a) to “essential requirements” are to be read as the essential requirements within the meaning of that term in regulation 2(1), as it applies in Northern Ireland; and
 - (e) the references in regulations 67(2)(b) and 68(4)(b) to “type examination certificate” is to be read as a reference to an EU-type examination certificate as defined in regulation 2(1), as it applies in Northern Ireland.”
- (6) In regulation 68 (re-qualification)—
- (a) in paragraph (3)(c), for “a UK” substitute “an”;
 - (b) at the end, insert—
- “(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.”.