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STATUTORY INSTRUMENTS

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**2000 No. 3236**

**The Non-automatic Weighing Instruments Regulations 2000**

**PART II**

**APPROVAL AND CERTIFICATION OF NON-AUTOMATIC WEIGHING INSTRUMENTS**

**Examination and Supervision**

**EC verification**

**11.**—(1) The manufacturer or his authorised representative shall take all necessary measures to secure that the manufacturing process for instruments intended for EC verification shall ensure conformity with the approved type, where appropriate, and with the requirements of the NAWI Directive which apply to them.

(2) The manufacturer or his authorised representative shall—

- (a) affix the CE marking and the sticker to each instrument (by way of confirmation that the instrument may be used for a Schedule 3 application) in accordance with regulation 18; and
- (b) draw up a written declaration of conformity that the instrument conforms with the requirements of the NAWI Directive which apply to it.

(3) Subject to paragraphs (6) and (7) below, an application for the carrying out of the appropriate examinations and tests with a view to EC verification shall be made to an approved body by the manufacturer or his authorised representative; and each application shall, if the approved body so requests, be accompanied—

- (a) in the case of instruments manufactured in conformity with an approved type, by a copy of the EC type-approval certificate in respect of that approved type; or
- (b) in the case of an instrument which does not use electronic devices and of which the load measuring device does not use one or more springs to balance the load, by the design documentation relating to that instrument.

(4) Where the approved body is satisfied, on application made to it under paragraph (3) above and after carrying out, or after having had carried out, the appropriate examinations and tests, that the instruments (if properly installed and used for the purposes for which they are intended)—

- (a) where appropriate, have been manufactured in conformity with the approved type; and
- (b) satisfy the provisions of the NAWI Directive which apply to them,

the approved body shall affix or cause to be affixed to each instrument the identification number of the approved body in accordance with regulation 18, and shall provide to the manufacturer or his authorised representative a written certificate of conformity relating to the tests carried out; and the manufacturer or his authorised representative shall ensure that he is able to provide the certificate to any person entitled to see it.

(5) Where the approved body is not so satisfied, it shall decline to affix its identification number to the instrument and to provide to the manufacturer or his authorised representative a written certificate

of conformity under paragraph (4) above; and it shall in writing inform the applicant of its decision and of the grounds for its decision.

(6) In the case of an instrument—

(a) to which the CE marking, identification number and sticker have been affixed; and

(b) either—

(i) to which a disqualification sticker has been affixed under regulation 23, 24 or 27 or under any corresponding provision in the law of a member State other than the United Kingdom; or

(ii) which, having ceased to satisfy the essential requirements, has been subjected to any adjustment, alteration, addition, repair or replacement, notwithstanding that a disqualification sticker had not been affixed,

the foregoing provisions of this regulation shall have effect as modified under paragraph (7) below.

(7) In a case to which paragraph (6) above applies an application under paragraph (3) above may be made by any person established in the Community and—

(a) in paragraph (3) above, the words after the first semi-colon shall not have effect; and

(b) in paragraph (4) above, for the words “the approved body shall affix” to the end there shall be substituted the words “the approved body shall affix or cause to be affixed to each instrument the identification number of the approved body and the re-qualification sticker in accordance with regulation 18.”.