
STATUTORY INSTRUMENTS

2000 No. 3236

The Non-automatic Weighing Instruments Regulations 2000

PART II

APPROVAL AND CERTIFICATION OF NON-AUTOMATIC WEIGHING INSTRUMENTS

Enforcement

Compliance notice procedures

26.—(1) Save as provided in regulation 25 above, where an authorised person has reasonable grounds for suspecting that the affixing of the CE marking to an instrument to which these Regulations apply involves a contravention of these Regulations the following provisions of this regulation shall have effect.

(2) The authorised person, after giving any person appearing to him to be interested in the instrument in question the opportunity of making representations, may serve a notice (a “compliance notice”) on the manufacturer or his authorised representative under this regulation in accordance with paragraph (4) below and, in such a case as described in paragraph (1) above, no further enforcement action shall be taken until such a notice has been so served and the person upon whom it has been served has failed to comply with its requirements.

(3) Where an authorised person gives a notice under paragraph (2) above, he shall forthwith send a copy of the notice to the Secretary of State.

(4) A notice under this regulation shall be in writing and shall—

- (a) sufficiently describe the instrument to which it applies;
- (b) state that the authorised person suspects that the affixing of the CE marking to the instrument involves a contravention of a provision of these Regulations concerning the CE marking and the reason for that suspicion;
- (c) specify the provision or provisions referred to in paragraph (b) above;
- (d) require the person upon whom the notice is served—
 - (i) to secure that any instrument to which the notice relates conforms as regards the provisions concerning the CE marking, and to end the infringement within such period as may be specified by the notice; or
 - (ii) to provide evidence within that period to the satisfaction of the authorised person that the CE marking has been correctly affixed; and
- (e) warn the person upon whom the notice is served that if the non-conformity continues (or if satisfactory evidence has not been produced under sub-paragraph (ii) of paragraph (d) above within the period specified in the notice), further action may be taken under these Regulations in respect of that instrument or an instrument of the same type placed on the market or put into service by that person.

(5) A notice under this regulation may—

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- (a) include directions as to the measures to be taken by the person upon whom it is served to secure conformity of that instrument with the provisions of these Regulations including different ways of securing conformity; and
 - (b) be varied or withdrawn by a further notice under this regulation.
- (6) Any person who fails to end the non-conformity specified in the compliance notice within the time limits laid down in that notice shall be subject to such enforcement action as may be appropriate having regard to the provisions of these Regulations.
- (7) References in this regulation to other provisions of these Regulations include references to corresponding provisions under the laws of a member State other than the United Kingdom.