

## STATUTORY INSTRUMENTS

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# 2002 No. 618

## The Medical Devices Regulations 2002

### PART IV

#### *In Vitro Diagnostic Medical Devices*

#### **[<sup>F1</sup>UK marking] of *in vitro* diagnostic medical devices** **E+W+S**

**36.**—(1) Subject to regulation 39, no person shall place on the market or put into service a relevant device unless, where practical and appropriate, that device bears a [<sup>F2</sup>UK marking] which—

- (a) meets the requirements set out in [<sup>F3</sup>Annex 2 of Regulation 765/2008];
- (b) is in a visible, legible and indelible form; and
- (c) is accompanied by any relevant [<sup>F4</sup>approved body] or conformity assessment body identification number for that device.

(2) Subject to regulation 39, no person shall supply a relevant device unless, where practical and appropriate, that device bears a [<sup>F2</sup>UK marking] which—

- (a) meets the requirements set out in [<sup>F3</sup>Annex 2 of Regulation 765/2008];
- (b) is in a visible, legible and indelible form; and
- (c) is accompanied by any relevant [<sup>F4</sup>approved body] or conformity assessment body identification number for that device,

if that supply is also a placing on the market or putting into service or if that supply is of a device that has been placed on the market or put into service.

(3) Subject to regulation 39, no person shall place on the market or put into service a relevant device unless a [<sup>F2</sup>UK marking], meeting the requirements set out in [<sup>F3</sup>Annex 2 of Regulation 765/2008], appears on—

- (a) any sales packaging for that device; and
- (b) the instructions for use for that device,

and that [<sup>F2</sup>UK marking] is accompanied by any relevant [<sup>F4</sup>approved body] or conformity assessment body identification number for that device.

(4) Subject to regulation 39, no person shall supply a relevant device (if that supply is also a placing on the market or putting into service, or if that supply is of a device that has been placed on the market or put into service) unless a [<sup>F2</sup>UK marking], meeting the requirements set out in [<sup>F3</sup>Annex 2 of Regulation 765/2008], appears on—

- (a) any sales packaging for that device; and
- (b) the instructions for use for that device,

and that [<sup>F2</sup>UK marking] is accompanied by any relevant [<sup>F4</sup>approved body] or conformity assessment body identification number for that device.

*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: The Medical Devices Regulations 2002, Section 36 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) Subject to regulation 39, no person shall affix any mark or inscription to, or provide any information comprising a mark or inscription on—

- (a) a relevant device;
- (b) the instructions for use for a relevant device; or
- (c) any sales packaging for a relevant device,

which is likely to mislead a third party with regard to the meaning or the graphics of the [<sup>F2</sup>UK marking] or which reduces the visibility or the legibility of the [<sup>F2</sup>UK marking].

[<sup>F5</sup>(6) In this regulation, where a device is required to bear a UK marking which meets the requirements of Annex 2 of Regulation (EU) No 765/2008, the requirement as to the minimum size of the UK marking specified in section 3 of that Annex is to be understood—

- (a) as not applying where, having regard to the small size of the device, it is not possible for the device to bear a marking of that minimum size; and
- (b) as allowing a device to bear a UK marking of a size less than that minimum size provided that mark continues to meet the requirements as to visibility, legibility and indelibility in paragraphs (1) and (2).]

#### 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. 36 heading substituted (E.W.S.) (31.12.2020) by The Medical Devices (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/791), regs. 1(1), 6(4A)(a) (as amended by S.I. 2020/1478, regs. 1(3), Sch. 2 paras. 2, 38); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in reg. 36 substituted (E.W.S.) (31.12.2020) by The Medical Devices (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/791), regs. 1(1), 6(4A)(b) (as amended by S.I. 2020/1478, regs. 1(3), Sch. 2 paras. 2, 38); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in reg. 36 substituted (E.W.S.) (31.12.2020) by The Medical Devices (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/791), regs. 1(1), 6(4A)(c) (as amended by S.I. 2020/1478, regs. 1(3), Sch. 2 paras. 2, 38); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in reg. 36 substituted (E.W.S.) (31.12.2020) by The Medical Devices (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/791), regs. 1(1), 6(4A)(d) (as amended by S.I. 2020/1478, regs. 1(3), Sch. 2 paras. 2, 38); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Reg. 36(6) inserted (E.W.S.) (11.8.2021) by The Medical Devices (Amendment) (EU Exit) Regulations 2021 (S.I. 2021/873), reg. 1(1), Sch. 1 para. 17

### CE marking of *in vitro* diagnostic medical devices **N.I.**

36.—(1) Subject to regulation 39, no person shall place on the market or put into service a relevant device unless, where practical and appropriate, that device bears a CE marking which—

- (a) meets the requirements set out in Annex X;
- (b) is in a visible, legible and indelible form; and
- (c) is accompanied by any relevant notified body or conformity assessment body identification number for that device.

(2) Subject to regulation 39, no person shall supply a relevant device unless, where practical and appropriate, that device bears a CE marking which—

- (a) meets the requirements set out in Annex X;

**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:** The Medical Devices Regulations 2002, Section 36 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (b) is in a visible, legible and indelible form; and
- (c) is accompanied by any relevant notified body or conformity assessment body identification number for that device,

if that supply is also a placing on the market or putting into service or if that supply is of a device that has been placed on the market or put into service.

(3) Subject to regulation 39, no person shall place on the market or put into service a relevant device unless a CE marking, meeting the requirements set out in Annex X, appears on—

- (a) any sales packaging for that device; and
- (b) the instructions for use for that device,

and that CE marking is accompanied by any relevant notified body or conformity assessment body identification number for that device.

(4) Subject to regulation 39, no person shall supply a relevant device (if that supply is also a placing on the market or putting into service, or if that supply is of a device that has been placed on the market or put into service) unless a CE marking, meeting the requirements set out in Annex X, appears on—

- (a) any sales packaging for that device; and
- (b) the instructions for use for that device,

and that CE marking is accompanied by any relevant notified body or conformity assessment body identification number for that device.

(5) Subject to regulation 39, no person shall affix any mark or inscription to, or provide any information comprising a mark or inscription on—

- (a) a relevant device;
- (b) the instructions for use for a relevant device; or
- (c) any sales packaging for a relevant device,

which is likely to mislead a third party with regard to the meaning or the graphics of the CE marking or which reduces the visibility or the legibility of the CE marking.

#### **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

**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:**

The Medical Devices Regulations 2002, Section 36 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Pt. 8 inserted by [S.I. 2019/791 reg. 10](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 10 omitted immediately before IP completion day by virtue of S.I. 2020/1478, regs. 1(3), Sch. 2 para. 54)
- Pt. 9 inserted by [S.I. 2019/791 reg. 11](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 11 omitted immediately before IP completion day by virtue of S.I. 2020/1478, regs. 1(3), Sch. 2 para. 55)
- Sch. 3 inserted by [2021 c. 3 Sch. 3 para. 2](#)
- Sch. 19 para. 5 words substituted by S.I. 2019/791, reg. 12 (as amended) by [S.I. 2019/1385 Sch. 2 para. 11\(2\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 paras. 9-11 omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(c))
- Sch. 19 para. 5 words substituted by S.I. 2019/791, reg. 12 (as amended) by [S.I. 2019/1385 Sch. 2 para. 11\(2\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 paras. 9-11 omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(c))
- Sch. 24 para. 1(7) heading words omitted by virtue of S.I. 2019/791, reg. 12 (as amended) by [S.I. 2019/1385 Sch. 2 para. 11\(3\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 paras. 9-11 omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(c))
- Sch. 24 para. 1(7) words omitted by virtue of S.I. 2019/791, reg. 12 (as amended) by [S.I. 2019/1385 Sch. 2 para. 11\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 paras. 9-11 omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(c))
- reg. 4D(10)(b) substituted by S.I. 2019/791, reg. 3(7) (as amended) by [S.I. 2019/1385 Sch. 2 para. 2\(3\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 para. 2(3) omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(a)(ii))
- reg. 4E(7) words substituted by S.I. 2019/791, reg. 3(7) (as amended) by [S.I. 2019/1385 Sch. 2 para. 2\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 para. 2(3) omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(a)(ii))
- reg. 6(d) inserted by [S.I. 2019/791 reg. 4\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 4(2) omitted immediately before IP completion day by S.I. 2020/1478, regs. 1(3), Sch. 2 para. 10)
- reg. 33(1)(c) inserted by [S.I. 2019/791 reg. 6\(2\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 6(2) omitted immediately before IP completion day by S.I. 2020/1478, regs. 1(3), Sch. 2 para. 35)

- reg. 33(2)(c) inserted by [S.I. 2019/791 reg. 6\(2\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 6(2) omitted immediately before IP completion day by S.I. 2020/1478, regs. 1(3), Sch. 2 para. 35)
- reg. 60A excluded by [2021 c. 3 Sch. 2 para. 4](#)
- reg. 60A excluded by [2021 c. 3 Sch. 2 para. 5\(2\)](#)
- reg. 60A-60C inserted by [2021 c. 3 Sch. 3 para. 1](#)
- reg. 75(3) words inserted by S.I. 2019/791, reg. 10 (as amended) by [S.I. 2019/1385 Sch. 2 para. 9\(2\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 paras. 9-11 omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(c))
- reg. 75(7) inserted by S.I. 2019/791, reg. 10 (as amended) by [S.I. 2019/1385 Sch. 2 para. 9\(2\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 paras. 9-11 omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(c))
- reg. 93(4) inserted by S.I. 2019/791, reg. 10 (as amended) by [S.I. 2019/1385 Sch. 2 para. 9\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 paras. 9-11 omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(c))
- reg. 119(6) words inserted by S.I. 2019/791, reg. 10 (as amended) by [S.I. 2019/1385 Sch. 2 para. 9\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 paras. 9-11 omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(c))
- reg. 124(5) words substituted by S.I. 2019/791, reg. 10 (as amended) by [S.I. 2019/1385 Sch. 2 para. 9\(5\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 paras. 9-11 omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(c))
- reg. 149(5)(e) words substituted by S.I. 2019/791, reg. 11 (as amended) by [S.I. 2019/1385 Sch. 2 para. 10\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 paras. 9-11 omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(c))
- reg. 158(1) substituted by S.I. 2019/791, reg. 11 (as amended) by [S.I. 2019/1385 Sch. 2 para. 10\(3\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 paras. 9-11 omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(c))
- reg. 158(3) inserted by S.I. 2019/791, reg. 11 (as amended) by [S.I. 2019/1385 Sch. 2 para. 10\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 paras. 9-11 omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(c))