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STATUTORY INSTRUMENTS

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**2016 No. 1153**

**The Measuring Instruments Regulations 2016**

**PART 2**

**REGULATED MEASURING INSTRUMENTS –  
OBLIGATIONS OF ECONOMIC OPERATORS**

**CHAPTER 4**

**IDENTIFICATION OF ECONOMIC OPERATORS**

**[<sup>F1</sup>Qualifying Northern Ireland Goods**

**33D.**—(1) Where paragraph (2) applies—

- (a) a regulated measuring instrument is to be treated as being in conformity with the essential requirements; and
- (b) each relevant economic operator is to be treated as having complied or as complying with the obligations imposed on them under Part 2.

(2) This paragraph applies where—

- (a) a regulated measuring instrument is—
  - (i) in conformity with the essential requirements, within the meaning of that term in regulation 2, as it applies in Northern Ireland; and
  - (ii) qualifying Northern Ireland goods; and
- (b) each relevant economic operator has complied or is complying with the obligations imposed on them under Part 2, as that Part applies in Northern Ireland; and
- (c) an importer has complied with the obligations set out in paragraph (3).

(3) The obligations referred to in paragraph (2)(c) are that, before placing the non-automatic weighing instrument on the market, the importer—

- (a) complies with regulation 19;
- (b) ensures that—
  - (i) the relevant conformity assessment procedure has been carried out.
  - (ii) the manufacturer has drawn up the technical documentation; and
  - (iii) the regulated measuring instrument bears the CE marking.

[<sup>F2</sup>(3A) After a regulated measuring instrument has been placed on the market pursuant to this regulation, regulations 72 and 73 are to be read in relation to that instrument subject to the following modifications—

- (a) the reference in regulation 72(2)(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 72(2)(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 72(2)(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 72(3)(a) and 73(3)(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 72(3)(b) and 73(3)(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.]
- (4) In this regulation—
- “CE marking” has the meaning given it in in regulation 2(1), as it applies in Northern Ireland;
- “qualifying Northern Ireland goods” has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018;
- “relevant conformity assessment procedure” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland;
- “technical documentation” has the meaning given to it in regulation 2(1), as it applies in Northern Ireland.]

#### Textual Amendments

- F1** Regs. 33A33D inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 27 para. 18** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2 and The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 (S.I. 2020/1460), reg. 1(4), **Sch. 3 para. 19(4)(b)**); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Reg. 33D(3A) inserted (E.W.S) (9.12.2021) by The Product Safety and Metrology etc. (Amendment) Regulations 2021 (S.I. 2021/1273), regs. 1, **12(4)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Measuring Instruments Regulations 2016, Section 33D.