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STATUTORY INSTRUMENTS

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**2016 No. 1153**

**The Measuring Instruments Regulations 2016**

**PART 7**

**MARKET SURVEILLANCE AND ENFORCEMENT**

**CHAPTER 2**

**ENFORCEMENT AUTHORITIES AND PROCEDURES**

**Re-qualification**

**73.**—(1) This regulation applies where—

- (a) a disqualification mark has been affixed to a regulated measuring instrument in accordance with regulation 72 (disqualification);
- (b) a notice has been served under regulation 72(5); or
- (c) a regulated measuring instrument is intended to be used for trade in the circumstances referred to in [<sup>F1</sup>regulation 72(3) or 73(4)] but a disqualification mark has not been affixed to the instrument or to any sealing device on it.

(2) A person requiring a re-qualification mark to be affixed to a regulated measuring instrument must submit it, in such manner as may be directed, to an inspector or approved verifier and provide such assistance as the inspector or approved verifier may reasonably require.

(3) An inspector or approved verifier may affix a re-qualification mark to that regulated measuring instrument or to any sealing device if satisfied that the instrument is compliant with

- (a) the essential requirements;
- (b) any [<sup>F2</sup>EU-]type examination certificate or [<sup>F2</sup>EU-]design examination certificate which applies to it; and
- (c) any requirements applicable to that instrument by virtue of Schedule 6 other than the provisions relating to maximum permissible errors are met.

(4) For the purposes of being satisfied that a re-qualification mark may be affixed to a regulated measuring instrument or any sealing device on it under this regulation, an inspector or approved verifier may take such steps as the inspector or approved verifier considers appropriate, including testing the instrument by means of such test equipment as the inspector or approved verifier considers appropriate and suitable for the purpose.

(5) There may be charged in respect of any steps taken under paragraph (4) such fees as are reasonable in the circumstances.

(6) The inspector or approved verifier must keep a record of any test carried out under paragraph (4).

(7) Where a re-qualification mark is affixed to a regulated measuring instrument pursuant to paragraph (3), it must be affixed in such a position that it obliterates as far as possible any disqualification mark.

[<sup>F3</sup>(8) Where a re-qualification mark is affixed to a regulated measuring instrument pursuant to paragraph (3), 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;
- (b) the number used to identify the inspector or approved verifier 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);
- (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 33D (Qualifying Northern Ireland Goods), the letters “QNIG”.

(9) The re-qualification mark and the information accompanying it required by paragraph (8) may be affixed to a relevant regulated measuring instrument by affixing to the instrument a label which clearly, legibly and indelibly bears the re-qualification mark and that accompanying information.]

[<sup>F4</sup>(8) Where a re-qualification mark is affixed to a regulated measuring instrument pursuant to paragraph (3), 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;
- (b) the number used to identify the inspector or approved verifier in connection with their approval by or under article 9 of the Weights and Measures (Northern Ireland) Order 1981 (weighing or measuring equipment for use for trade);
- (c) the year of re-qualification in numerical form; and
- (d) the letters “NI”.

(9) The re-qualification mark and the information accompanying it required by paragraph (8), may be affixed to a relevant regulated measuring instrument by affixing to the instrument a label which clearly, legibly and indelibly bears the re-qualification mark and that accompanying information.]

#### Textual Amendments

- F1** Words in reg. 73(1)(c) substituted (1.2.2019) by [The Weights and Measures etc. \(Miscellaneous\) \(Amendment\) Regulations 2019 \(S.I. 2019/5\)](#), regs. 1, **8(4)**
- F2** Word in reg. 73(3)(b) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 27 para. 45** (with Sch. 27 para. 50(a)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Reg. 73(8)(9) inserted (E.W.S) (9.12.2021) by [The Product Safety and Metrology etc. \(Amendment\) Regulations 2021 \(S.I. 2021/1273\)](#), regs. 1, **12(5)**
- F4** Reg. 73(8)(9) inserted (N.I.) (9.12.2021) by [The Product Safety and Metrology etc. \(Amendment\) Regulations 2021 \(S.I. 2021/1273\)](#), regs. 1, **15**

**Changes to legislation:**

There are currently no known outstanding effects for the The Measuring Instruments Regulations 2016, Section 73.