
STATUTORY INSTRUMENTS

2016 No. 1153

The Measuring Instruments Regulations 2016

PART 8

OFFENCES

Unauthorised application of authorised marks **E+W+S**

- 75.—(1) Subject to paragraph (2), a person is guilty of an offence, if that person—
- (a) affixes an authorised mark to a regulated measuring instrument otherwise than in accordance with these Regulations;
 - (b) alters or defaces an authorised mark affixed to a regulated measuring instrument;
 - (c) removes an authorised mark affixed to a regulated measuring instrument; or
 - (d) affixes any other form of marking to a regulated measuring instrument which is likely to deceive any person as to the meaning or form, or both, of an authorised mark.
- (2) Where the alteration, defacement or removal of an authorised mark is occasioned solely—
- (a) in the course of the adjustment or repair of a regulated measuring instrument by a person engaged in the business of repair of such instruments or by that person's duly authorised agent; or
 - (b) by an enforcement officer or approved verifier in the carrying out of any of their functions under these Regulations,

that person (or that person's authorised agent), enforcement officer or approved verifier is not guilty of an offence under paragraph (1)(b) or (1)(c).

(3) A person is guilty of an offence if that person places on the market or puts into use or uses for trade a regulated measuring instrument—

- (a) from which, to that person's knowledge, an authorised mark has been removed; or
- (b) which to that person's knowledge bears—
 - (i) an authorised mark affixed otherwise than in accordance with these Regulations;
 - (ii) an authorised mark that has been altered or defaced otherwise than in the circumstances referred to in paragraph (2); or
 - (iii) any mark which is likely to deceive any person as to the meaning or form, or both, of an authorised mark.

(4) A regulated measuring instrument in respect of which an offence under this regulation has been committed and any implement used in the commissioning of the offence is liable to be forfeited.

(5) In this regulation “authorised mark” means—

- (a) the [^{F1}UK] marking;
- (b) the M marking;

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: There are currently no known outstanding effects for the The Measuring Instruments Regulations 2016, Section 75. (See end of Document for details)

- (c) the identification number of the [F²approved] body which carried out the conformity assessment procedure in respect of the relevant regulated measuring instrument;
- (d) a disqualification mark; or
- (e) a re-qualification mark.

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** Word in reg. 75(5)(a) substituted (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. 46(a)** (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)
- F2** Word in reg. 75(5)(c) substituted (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. 46(b)** (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)

Unauthorised application of authorised marks **N.I.**

- 75.—**(1) Subject to paragraph (2), a person is guilty of an offence, if that person—
- (a) affixes an authorised mark to a regulated measuring instrument otherwise than in accordance with these Regulations;
 - (b) alters or defaces an authorised mark affixed to a regulated measuring instrument;
 - (c) removes an authorised mark affixed to a regulated measuring instrument; or
 - (d) affixes any other form of marking to a regulated measuring instrument which is likely to deceive any person as to the meaning or form, or both, of an authorised mark.
- (2) Where the alteration, defacement or removal of an authorised mark is occasioned solely—
- (a) in the course of the adjustment or repair of a regulated measuring instrument by a person engaged in the business of repair of such instruments or by that person's duly authorised agent; or
 - (b) by an enforcement officer or approved verifier in the carrying out of any of their functions under these Regulations,

that person (or that person's authorised agent), enforcement officer or approved verifier is not guilty of an offence under paragraph (1)(b) or (1)(c).

(3) A person is guilty of an offence if that person places on the market or puts into use or uses for trade a regulated measuring instrument—

- (a) from which, to that person's knowledge, an authorised mark has been removed; or
- (b) which to that person's knowledge bears—
 - (i) an authorised mark affixed otherwise than in accordance with these Regulations;
 - (ii) an authorised mark that has been altered or defaced otherwise than in the circumstances referred to in paragraph (2); or
 - (iii) any mark which is likely to deceive any person as to the meaning or form, or both, of an authorised mark.

(4) A regulated measuring instrument in respect of which an offence under this regulation has been committed and any implement used in the commissioning of the offence is liable to be forfeited.

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: There are currently no known outstanding effects for the The Measuring Instruments Regulations 2016, Section 75. (See end of Document for details)

- (5) In this regulation “authorised mark” means—
- (a) the CE marking;
 - (b) the M marking;
 - (c) the identification number of the notified body which carried out the conformity assessment procedure in respect of the relevant regulated measuring instrument;
 - [^{F3}(ca) the UK(NI) indication;]
 - (d) a disqualification mark; or
 - (e) a re-qualification mark.

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

Textual Amendments

F3 Reg. 75(5)(ca) inserted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 (S.I. 2020/1460), reg. 1(2), **Sch. 2 para. 12(5)**

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:

There are currently no known outstanding effects for the The Measuring Instruments Regulations 2016, Section 75.