
STATUTORY INSTRUMENTS

2021 No. 1273

The Product Safety and Metrology
etc. (Amendment) Regulations 2021

PART 3

Provisions in respect of England and Wales and Scotland

Amendment to the Measuring Instruments Regulations 2016

12.—(1) The Measuring Instruments Regulations 2016 are amended as follows.

(2) In regulation 33A(8)(c), at the beginning insert “except in relation to regulations 72 and 73,”.

(3) In regulation 33C—

- (a) in paragraph (1), for “paragraph (2)” substitute “paragraphs (2) and (6)”;
- (b) in paragraph (3), for “paragraph (4)” substitute “paragraphs (4) and (6)”;
- (c) After paragraph (5), insert—

“**(6)** Regulations 72 and 73 continue to have effect in relation to any regulated measuring instrument—

- (a) placed on the market pursuant to 33A; or
- (b) in relation to which a manufacturer has undertaken a conformity assessment procedure in accordance with regulation 33B,

as if regulations 32A or 33B had not expired.”.

(4) After regulation 33D(3), insert—

“(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.”.

(5) In regulation 73 (re-qualification), at the end insert—

“(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.”.

(6) In paragraph 2A of Schedule 3, at the end insert—

“(5) Where paragraph (6) applies to a regulated measuring instrument, regulations 72 and 73 have effect in relation to that instrument, subject to the modifications set out in paragraph (7).

(6) This paragraph applies to a regulated measuring instrument that has been placed on the market—

(a) during the pre-exit period; or

(b) pursuant to Article 41 of the EU withdrawal agreement.

(7) The modifications referred to in paragraph (5) are that—

(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 Article 4(22) of the Directive;

(b) the reference in regulation 72(2)(b) to “M marking” is to be read as a reference to the supplementary metrology marking as described in Article 21(2) of the Directive.

(c) the reference in regulation 72(2)(c) to “approved body” is to be read as a reference to the body that undertook the conformity assessment procedure in accordance with Article 13 of the Directive;

(d) the references in regulations 72(3)(b) and 73(3)(b) to “type examination certificate” are to be read as references to an “EU-type examination certificate” issued under the conformity assessment procedure set out under the heading “MODULE B: EU-TYPE EXAMINATION” in Annex II to the Directive; and

(e) the references in regulations 72(3)(b) and 73(3)(b) to “design examination certificate” are to be read as references to an EU-design examination certificate issued in accordance with the conformity assessment procedure set out under the heading “MODULE H1: CONFORMITY BASED ON FULL QUALITY ASSURANCE PLUS DESIGN EXAMINATION” in Annex II to the Directive.”.