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STATUTORY INSTRUMENTS

2020 No. XXXX

EXITING THE EUROPEAN UNION

CONSUMER PROTECTION

ELECTROMAGNETIC COMPATIBILITY

ENVIRONMENTAL PROTECTION

HEALTH AND SAFETY

TELECOMMUNICATIONS

WEIGHTS AND MEASURES

The Product Safety and Metrology (Amendment) (EU Exit)
Regulations 2020

Sift requirements satisfied ***

Made - - - - ***

Laid before Parliament ***

Coming into force in accordance with regulation 2

The Secretary of State in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(a), makes the following Regulations.

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 (relating to the appropriate Parliamentary procedure for these regulations) have been satisfied.

Citation

1. These Regulations may be cited as the Product Safety and Metrology (Amendment) (EU Exit) Regulations 2020.

(a) 2018 c. 16; section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1) and paragraph 21 of Schedule 7 was amended by section 41(4) and Schedule 5, paragraph 53(2) of that Act.

Commencement

2.—(1) This regulation, and regulations 1 and 3 come into force immediately before the coming into force of regulations 10 and 16 of the Product Safety, Metrology and Mutual Recognition (Amendment) (EU Exit) Regulations 2019(a).

(2) Regulation 4 comes into force immediately before IP completion day.

Extent

3. Any amendment made by these Regulations has the same extent as the provision amended.

Amendment to the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019

4.—(1) The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019(b) are amended as follows.

(2) In the provisions listed in Schedule 1, for “exit day” substitute “IP completion day”.

(3) In Schedule 26 (non-automatic weighing instruments), in paragraph 2—

(a) in sub-paragraph (h) omit the words from “in the definition” to “Schedule 6”;

(b) after sub-paragraph (h) insert—

“(ha) in the definition of “essential requirements” for “Annex I to the Directive” substitute “Schedule 6”.”.

Amendment to the Product Safety, Metrology and Mutual Recognition Agreement (Amendment) (EU Exit) Regulations 2019

5. In the provisions of the Product Safety, Metrology and Mutual Recognition Agreement (Amendment) (EU Exit) Regulations 2019 listed in Schedule 2, for “exit day” substitute “IP completion day”.

Date _____
Name _____
Parliamentary Under Secretary of State
Department for Business, Energy and Industrial Strategy

SCHEDULE 1

Regulation 4

Amendment to the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019

1. The provisions referred to in regulation 4(2) are as follows—

(a) in Schedule 5 (measuring instruments EEC requirements) in paragraph 1(6), in the inserted regulation 15A(1);

(b) in Schedule 8 (noise emission) in paragraphs—

(i) 2(a)(i);

(ii) 8, in the substituted regulation 13 (four times);

(iii) 14, in the inserted regulation 23 (five times);

(c) in Schedule 11 (packaged goods) in paragraph 3(b), in the inserted paragraph (7)(a);

(a) S.I. No 2019/1246.

(b) S.I. No. 2019/696 as amended by S.I. No. 2019/1246 and S.I. 2020/676.

- (d) in Schedule 12 (supply of machinery) in paragraphs—
 - (i) 2(2);
 - (ii) 2(3)(b), in the substituted definition of “authorised representative” (four times);
 - (iii) 16, in the inserted regulation 16A (four times);
 - (iv) 16, in the inserted regulation 16B(6) (twice);
 - (v) 16, in the inserted regulation 16C(1)(b)(ii) (twice);
 - (vi) 22, in the inserted regulation 30 (five times);
 - (vii) 22, in the inserted regulation 31(2)(b);
- (e) in Schedule 15 (toys) in paragraphs—
 - (i) 3, in the inserted regulation 2A (six times);
 - (ii) 4(a);
 - (iii) 4(c), in the substituted definition of “authorised representative” (four times);
 - (iv) 5, in the inserted regulation 3B(3);
 - (v) 23, in the substituted paragraph (2)(a)(iii);
 - (vi) 27, in the inserted regulation 39E(3);
 - (vii) 28, in the substituted regulation 40A (four times);
 - (viii) 28, in the substituted regulation 40D(b)(ii);
- (f) in Schedule 16 (explosives) in paragraphs—
 - (i) 2(2)(i);
 - (ii) 4(7), in the inserted paragraph (10) (twice);
 - (iii) 28, in the substituted regulation 69 (three times);
 - (iv) 28, in the substituted regulation 72(b)(ii) (twice);
 - (v) 29, in the inserted regulation 82A (five times);
- (g) in Schedule 17 (weights and measures revocations) in paragraphs—
 - (i) 1(2), in the inserted paragraph (2);
 - (ii) 1(3)(c), in the inserted paragraph (5);
- (h) in Schedule 19 (pyrotechnic articles) in paragraphs—
 - (i) 2(2)(g);
 - (ii) 12(b), in the substituted paragraph (3)(a)(ii);
 - (iii) 27, in the substituted regulation 43 (four times);
 - (iv) 27, in the substituted regulation 46(b)(ii) (twice);
 - (v) 36, in the inserted regulation 74A (five times);
 - (vi) 43(7)(a);
 - (vii) 43(8), in the inserted paragraph 6A(1);
- (i) in Schedule 20 (electromagnetic compatibility) in paragraphs—
 - (i) 2(2)(d), in the substituted definition of “authorised representative” (four times);
 - (ii) 2(2)(h);
 - (iii) 14(b), in the inserted paragraph (1A)(a)(ii);
 - (iv) 28, in the substituted regulation 43 (four times);
 - (v) 28, in the substituted regulation 46(b)(ii) (twice);
 - (vi) 33, in the inserted regulation 74 (five times);
- (j) in Schedule 21 (simple pressure vessels) in paragraphs—
 - (i) 2(2)(d), in the substituted definition of “authorised representative” (four times);

- (ii) 2(2)(h);
- (iii) 15(b), in the inserted paragraph (1A)(a)(ii);
- (iv) 30, in the substituted regulation 45 (four times);
- (v) 30, in the substituted regulation 48(b)(ii) (twice);
- (vi) 37, in the inserted regulation 76A (five times);
- (k) In Schedule 22 (lifts) in paragraphs—
 - (i) 2(2)(d) in the substituted definition of “authorised representative” (four times);
 - (ii) 2(2)(i);
 - (iii) 18(b), in the substituted paragraph (3)(a)(ii);
 - (iv) 31, in the substituted regulation 51 (four times);
 - (v) 31, in the substituted regulation 54(b)(ii) (twice);
 - (vi) 37, in inserted paragraph (3);
 - (vii) 37, in inserted paragraph (4) (twice);
 - (viii) 37, in inserted paragraph (6) (twice);
- (l) in Schedule 23 (electrical equipment) in paragraphs—
 - (i) 2(2)(a), in the substituted definition of “authorised representative” (four times);
 - (ii) 2(2)(d);
 - (iii) 11(b), in the substituted paragraph (3)(a)(ii);
 - (iv) 30, in the inserted regulation 62A (three times);
- (m) in Schedule 24 (pressure equipment) in paragraphs—
 - (i) 2(2)(c), in the substituted definition of “authorised representative” (four times);
 - (ii) 2(2)(h);
 - (iii) 15(b), in the substituted paragraph (3)(a)(ii);
 - (iv) 35, in the substituted regulation 51 (four times);
 - (v) 35, in the substituted regulation 52 (four times);
 - (vi) 35, in the substituted regulation 53 (four times);
 - (vii) 35, in the substituted regulation 59 (twice);
 - (viii) 41, in the inserted regulation 88A (six times);
 - (ix) 46(b), in the substituted heading of Part 1 of Schedule 3;
 - (x) 46(c), in the heading of the inserted Part 2 of Schedule 3;
- (n) in Schedule 25 (equipment etc. for use in potentially explosive atmospheres) in paragraphs—
 - (i) 2(2)(a);
 - (ii) 2(2)(e), in the substituted definition of “authorised representative” (four times);
 - (iii) 14(b), in the substituted paragraph (3)(a)(ii);
 - (iv) 27, in the substituted regulation 42 (four times);
 - (v) 27, in the substituted regulation 45(b)(ii) (twice);
 - (vi) 34, in the inserted regulation 72A (five times);
- (o) in Schedule 26 (non-automatic weighing instruments) in paragraphs—
 - (i) 2(2)(d), in the substituted definition of “authorised representative” (four times);
 - (ii) 2(2)(h);
 - (iii) 5, in the inserted regulation 4A (five times);
 - (iv) 15(a), in the substituted paragraph (2)(a)(ii);

- (v) 32, in the substituted regulation 47 (four times);
- (vi) 32, in the substituted regulation 50(b)(ii) (twice);
- (p) in Schedule 27 (Amendment of the Measuring Instruments Regulations 2016) in paragraphs—
 - (i) 2(2)(d), in the substituted definition of “authorised representative” (four times);
 - (ii) 14(a), in the substituted paragraph (2)(a)(ii);
 - (iii) 38, in the substituted regulation 53 (four times);
 - (iv) 38, in the substituted regulation 56(b)(ii) (twice);
 - (v) 50(a), in the inserted paragraph 2A of Schedule 3 (five times);
- (q) in Schedule 28 (recreational craft), in paragraphs—
 - (i) 2(2)(d), in the substituted definition of “authorised representative” (four times);
 - (ii) 2(2)(j);
 - (iii) 12, in the substituted paragraph (2)(a)(ii);
 - (iv) 36, in the substituted regulation 55 (four times);
 - (v) 36, in the substituted regulation 58(b)(ii) (twice);
 - (vi) 41, in the inserted regulation 89A (seven times);
- (r) in Schedule 29 (radio equipment), Part 1, in paragraphs—
 - (i) 2(2)(d), in the substituted definition of “authorised representative” (four times);
 - (ii) 12(c);
 - (iii) 19(b), in the substituted paragraph (3)(a)(ii);
 - (iv) 36, in the substituted regulation 46 (four times);
 - (v) 36, in the substituted regulation 49(b)(ii) (twice);
 - (vi) 44, in the inserted regulation 76A (five times);
- (s) in Schedule 33 (Regulation (EC) No 765/2008) in paragraphs—
 - (i) 3(e), in the substituted paragraph (4) (three times);
 - (ii) 5, in the substituted Article 4(2);
 - (iii) 11, in the substituted Article 10(5);
- (t) in Schedule 34 (cosmetics) in paragraphs—
 - (i) 3(d), in the substituted point (h);
 - (ii) 3(h), in the inserted point (u);
 - (iii) 3(h), in the inserted point (za);
 - (iv) 13, in the substituted Article 13(3);
 - (v) 16, in the substituted Article 16 (three times);
 - (vi) 18, in the inserted point (ab);
 - (vii) 32, in the inserted regulation 3A (three times);
- (u) in Schedule 35 (personal protective equipment), in paragraphs—
 - (i) 1(2)(a) in the inserted definition of “Regulation 2016/425 (pre-exit)”;
 - (ii) 3(4)(b), in the substituted point (5) (three times);
 - (iii) 3(4)(e), in the inserted point (24);
 - (iv) 3(10)(b)(iii), in subparagraph (a)(ii) of the inserted unnumbered paragraph;
 - (v) 3(19), in the substituted Article 20 (twice);
 - (vi) 3(42) in the substituted Article 47 (twice);
- (v) in Schedule 36 (gas appliances), in paragraphs—

- (i) 1(2)(a), in the inserted definition of “Regulation 2016/426 (pre-exit)”;
- (ii) 2(3)(b), in the substituted point (18) (three times);
- (iii) 2(3)(e), in the inserted point (37);
- (iv) 2(10)(b)(ii), in subparagraph (a)(ii) of the inserted unnumbered paragraph;
- (v) 2(19), in the substituted Article 19 (twice);
- (vi) 2(41), in the substituted Article 44 (twice).

SCHEDULE 2

Regulation 5

Amendment of the Product Safety, Metrology and Mutual Recognition Agreement (Amendment) (EU Exit) Regulations 2019

1. The provisions referred to in regulation 5 are as follows—
 - (a) in regulation 10(a), in the inserted definition of “authorised representative” (three times);
 - (b) in regulation 16(b) in the inserted paragraph 3 (twice).

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend two sets of Regulations which were made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular, in relation to the provisions these Regulations amend, paragraphs (a), (b), (c), (d), (e) of section 8(2) and paragraph (a) of section 8(3) of that Act) arising from the withdrawal of the UK from the European Union. The two sets of Regulations are the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696) (“the 2019 Regulations”) and the Product Safety, Metrology and Mutual Recognition Agreement (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/1246), Part 3 of which itself amends the 2019 Regulations. These Regulations therefore address the same deficiencies as the Regulations they amend address (namely, in particular, paragraphs (a), (b), (c), (d), (e) of section 8(2) and paragraph (a) of section 8(3) of the European Union (Withdrawal) Act 2018).

The amendments made in these Regulations change references to “exit day” to references to “IP completion day” in the two sets of Regulations amended and as such are consequential on the agreement that the United Kingdom will remain following EU law until IP completion day.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.