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STATUTORY INSTRUMENTS

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**2017 No. 1206**

**The Radio Equipment Regulations 2017**

**PART 6**

Miscellaneous

**Review**

**76.**—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provision contained in these Regulations, and
- (b) publish a report setting out the conclusions of the review.

(2) The first report must be published before the end of the period of 5 years beginning with the commencement date.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015<sup>(1)</sup> requires that a review carried out under this regulation must, so far as is reasonable, have regard to how the Directive is implemented in other Member States.

(5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph 1(a),
- (b) assess the extent to which those objectives are achieved,
- (c) assess whether those objectives remain appropriate, and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(6) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

**Transitional provision**

**77.** Nothing in these Regulations prevents the making available on the market of radio equipment which—

- (a) is in conformity with the requirements of [Directive 1999/5/EC](#) of the European Parliament and the Council on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity<sup>(2)</sup>, and
- (b) is placed on the market on or before the commencement date.

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(1) [2015 c.26](#). Section 30(3) was amended by the Enterprise Act [2016 \(c.12\)](#), section 19.

(2) OJ L 91, 7.4.1999, p.10.

**Revocations and savings**

**78.**—(1) Subject to paragraph (2), the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000<sup>(3)</sup> are revoked.

(2) The Radio Equipment and Telecommunications Terminal Equipment Regulations 2000 continue to apply to any equipment placed on the market in accordance with those Regulations before the commencement date.

(3) In relation to radio equipment placed on the market before the commencement date, the amendments in regulations 79 and 80 do not apply.

**Consequential and other amendments**

**79.**—(1) The Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Specification) Order 2004<sup>(4)</sup> is amended as follows.

(2) In Schedule 1, for “Radio Equipment and Telecommunications Terminal Equipment Regulations 2000” substitute “Radio Equipment Regulations 2017”.

**80.**—(1) The Consumer Rights Act 2015<sup>(5)</sup> is amended as follows.

(2) In paragraph 10 of Schedule 5—

(a) omit the entry “paragraph 1(1)(b) or (2)(b) or 2 of Schedule 9 to the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000 (SI 2000/730)”, and

(b) at the appropriate place insert—

“regulation 56(1)(a)(ii) or (b)(ii) or (2) of the Radio Equipment Regulations 2017 (S.I. 2017/1206)”.

**81.**—(1) The Electromagnetic Compatibility Regulations 2016<sup>(6)</sup> are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1), omit the definition of “notified body”, and

(b) after paragraph (4), insert—

“(5) In these Regulations (except Part 4 (notification of conformity assessment bodies) and Schedules 5 (requirements for notified bodies) and 6 (operational obligations of notified bodies)), “notified body” means—

(a) a notified body within the meaning set out in regulation 43 (notified bodies), or

(b) a notified body under the laws of any other Member State which implements the Directive.”.

(3) In regulation 52 (designation of enforcing authorities) omit paragraph (4).

**82.**—(1) The Pressure Equipment (Safety) Regulations 2016<sup>(7)</sup> are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) for the definition of “authorised representative” substitute—

(3) S.I. 2000/730; amended by S.I. 2003/1903, S.I. 2003/3144, S.I. 2005/281, S.I. 2015/1630 and S.I. 2016/1101.

(4) S.I. 2004/693 to which there are amendments not relevant to these Regulations.

(5) 2015 c.15.

(6) S.I. 2016/1091.

(7) S.I. 2016/1105.

““authorised representative” means a person established within the EU appointed in accordance with regulation 19(1) (manufacturer’s authorised representative);”

(ii) omit the definition of “notified body”, and

(b) after paragraph (6), insert—

“(7) In these Regulations (except Part 4 (notification of conformity assessment bodies) and Schedules 4 (notified body requirements) and 6 (operational obligations of notified bodies, recognised third party organisations and user inspectorates)), “notified body” means—

- (a) a notified body within the meaning set out in regulation 51 (notified bodies), or
- (b) a notified body under the laws of any other Member State which implement the Directive.”.

**83.**—(1) The Simple Pressure Vessels (Safety) Regulations 2016<sup>(8)</sup> are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (4), omit the definition of “notified body”, and

(b) after paragraph (6), insert—

“(7) In these Regulations (except Part 4 (notification of conformity assessment bodies) and Schedule 4 (notified bodies), “notified body” means—

- (a) a notified body within the meaning set out in regulation 45 (notified bodies), or
- (b) a notified body under the laws of any other Member State which implements the Directive.”.

**84.**—(1) The Electrical Equipment (Safety) Regulations 2016<sup>(9)</sup> are amended as follows.

(2) In paragraph (1) of regulation 2, for the definition of “authorised representative” substitute—

““authorised representative” means a person established within the EU appointed in accordance with regulation 14 (manufacturer’s authorised representatives);”.

(3) In paragraph (3) of regulation 3, for “apparatus covered by the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000” substitute “equipment covered by the Radio Equipment Regulations 2017”.

(4) In regulation 29 (duty to take action in respect of electrical equipment placed on the market which is not considered to be in conformity)—

- (a) in the title of the regulation, for “placed” substitute “made available”,
- (b) in paragraph (1), for “placed” substitute “made available”.

**85.**—(1) The Recreational Craft Regulations 2017<sup>(10)</sup> are amended as follows.

(2) In regulation 29 (duty not to place a product on the market where the distributor suspects that it is not in conformity)—

- (a) in the title of the regulation, for “place a product” substitute “make a product available”,
- (b) in paragraph (1), for “place the product” substitute “make the product available”.

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<sup>(8)</sup> S.I. 2016/1092.

<sup>(9)</sup> S.I. 2016/1101.

<sup>(10)</sup> S.I. 2017/737.

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**Status:** *This is the original version (as it was originally made).*

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