



# United Kingdom Internal Market Act 2020

## 2020 CHAPTER 27

### PART 1

#### UK MARKET ACCESS: GOODS

##### *Mutual recognition: goods*

## **2 The mutual recognition principle for goods**

- (1) The mutual recognition principle for goods is the principle that goods which—
- have been produced in, or imported into, one part of the United Kingdom (“the originating part”), and
  - can be sold there without contravening any relevant requirements that would apply to their sale,

should be able to be sold in any other part of the United Kingdom, free from any relevant requirements that would otherwise apply to the sale.

- (2) Where goods are to be sold in a particular way in the other part of the United Kingdom, the condition in subsection (1)(b) has effect as if the reference to “their sale” were a reference to their sale in that particular way.

So, for example, if goods are to be sold by auction, the condition is met if (and only if) they can be sold by auction in the originating part without contravening any applicable relevant requirements there.

- (3) Where the principle applies in relation to a sale of goods in a part of the United Kingdom because the conditions in subsection (1)(a) and (b) are met, any relevant requirements there do not apply in relation to the sale.

## **3 Relevant requirements for the purposes of section 2**

- (1) This section defines “relevant requirement” for the purposes of the mutual recognition principle for goods as it applies in relation to a particular sale of goods in a part of the United Kingdom.

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*Status: This is the original version (as it was originally enacted).*

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- (2) A statutory requirement in the part of the United Kingdom concerned which—
- (a) prohibits the sale of the goods or, in the case of an obligation or condition, results in their sale being prohibited if it is not complied with, and
  - (b) is within the scope of the mutual recognition principle,
- is a relevant requirement in relation to the sale unless excluded from being a relevant requirement by any provision of this Part.
- (3) A statutory requirement is within the scope of the mutual recognition principle if it relates to any one or more of the following—
- (a) characteristics of the goods themselves (such as their nature, composition, age, quality or performance);
  - (b) any matter connected with the presentation of the goods (such as the name or description applied to them or their packaging, labelling, lot-marking or date-stamping);
  - (c) any matter connected with the production of the goods or anything from which they are made or is involved in their production, including the place at which, or the circumstances in which, production or any step in production took place;
  - (d) any matter relating to the identification or tracing of an animal (such as marking, tagging or micro-chipping or the keeping of particular records);
  - (e) the inspection, assessment, registration, certification, approval or authorisation of the goods or any other similar dealing with them;
  - (f) documentation or information that must be produced or recorded, kept, accompany the goods or be submitted to an authority;
  - (g) anything not falling within paragraphs (a) to (f) which must (or must not) be done to, or in relation to, the goods before they are allowed to be sold.
- (4) A manner of sale requirement is not within the scope of the mutual recognition principle unless subsection (6) applies.
- (5) For this purpose a “manner of sale requirement” is a statutory requirement that governs any aspect of the circumstances or manner in which the goods are sold (such as where, when, by whom, to whom, or the price or other terms on which they may be sold).
- (6) A statutory requirement that—
- (a) is worded as a manner of sale requirement, but
  - (b) appears to be designed artificially to avoid the operation of the mutual recognition principle in relation to what would otherwise be a requirement within the scope of that principle,
- is to be regarded as a relevant requirement, despite subsection (4).
- This subsection would apply, for example, where a manner of sale requirement involves an unusually restrictive condition such that it would be impossible to comply with the condition and have a practical chance of selling the goods.
- (7) A statutory requirement which requires the person selling or acquiring the goods to keep or submit, after the sale takes place, any documentation or information required to be produced or recorded beforehand is to be treated as a relevant requirement relating to the sale.

- (8) In this Part “statutory requirement” means an obligation, a condition or a prohibition (however described) imposed by legislation (including legislation imposing mandatory terms into contracts for the sale of goods).

#### **4 Exclusion of certain requirements existing before commencement**

- (1) A statutory requirement in a part of the United Kingdom (“the relevant part”) which—
- (a) applies in relation to a particular sale of goods in that part of the United Kingdom, and
  - (b) would otherwise fall within section 3 as a relevant requirement,
- is not a relevant requirement (so far as relating to the sale) for the purposes of the mutual recognition principle where the conditions in subsection (2) are met.
- (2) The conditions are that, on the relevant day —
- (a) the same statutory requirement would have applied in relation to the sale if it had taken place on that day, and
  - (b) there was no corresponding requirement in force in each of the other three parts of the United Kingdom.
- (3) For the purposes of subsection (2) “the relevant day” is the day before the day on which this section comes into force.
- (4) The re-enactment (without substantive change) of a statutory requirement does not affect its continuity for the purposes of subsection (2)(a).
- (5) For the purposes of subsection (2)(b) “corresponding requirement”, in relation to the statutory requirement in the relevant part of the United Kingdom, means a statutory requirement in another part of the United Kingdom that would have had the same effect in relation to the sale (if it had taken place there on the relevant day).
- (6) For the purposes of subsections (2) and (5) a statutory requirement is to be regarded as the same as another statutory requirement, or having the same effect, if any differences between them are not substantive.