

SCHEDULE 12

Regulation 15

Amendment of the Supply of Machinery (Safety) Regulations 2008

Introduction

1. The Supply of Machinery (Safety) Regulations 2008 are amended in accordance with paragraphs 2 to 34.

Commencement Information

- II** Sch. 12 para. 1 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1**

Amendment to regulation 2

2.—(1) Regulation 2 (interpretation) is amended as follows.

(2) In paragraph (1)(a) at the end insert “ (as it had effect immediately before [^{F1}IP completion day])”;

(3) In paragraph (2)—

(a) after the definition of “applicable” insert—

““approved body” has the meaning given to it in regulation 16A;”;

^{F2}(b)

(c) omit the definition of “CE marking”;

(d) omit the definition of “Commission”;

(e) after the definition of “conformity assessment” insert—

““designated standard” has the meaning given to it in regulation 2A;”;

(f) omit the definition of “harmonised standard”;

(g) in the definition of “manufacturer” for “an EEA state” substitute “[^{F3}Great Britain]”;

(h) omit the definition of—

(i) “notified body”;

(ii) “notified body criteria”;

(iii) “notified body designation”;

(iv) “official Community language”;

(v) “published harmonised standard”;

(i) after the definition of “safety component” insert—

““UK marking” means the marking in the form set out in Annex 2 of Regulation (EC) No 765/2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93;”;

F1 Words in Sch. 12 para. 2(2) substituted (31.12.2020 immediately before IP completion day) by The Product Safety and Metrology (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/852), regs. 2(2), 4(2), **Sch. 1 para. 1(d)(i)**

Changes to legislation: There are currently no known outstanding effects for the *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 12.* (See end of Document for details)

- F2** Sch. 12 para. 2(3)(b) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), reg. 1(4), [Sch. 3 para. 3\(a\)](#)
- F3** Words in Sch. 12 para. 2(3)(g) substituted (31.12.2020 immediately before IP completion day) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), reg. 1(4), [Sch. 3 para. 7\(2\)](#)

Commencement Information

- I2** Sch. 12 para. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Insertion of regulation 2A

3. After regulation 2 insert—

“Designated standard

2A.—(1) Subject to paragraphs (6) and (7), in these Regulations a “designated standard” means a technical specification which is—

- (a) adopted by a recognised standardisation body, for repeated or continuous application, with which compliance is not compulsory; and
- (b) designated by the Secretary of State by publishing the reference to the standard and maintaining that publication in a manner the Secretary of State considers appropriate.

(2) For the purposes of paragraph (1), a “technical specification” means a document that prescribes technical requirements to be fulfilled by a product, process, service or system and which lays down one or more of the following—

- (a) the characteristics required of a product, including—
 - (i) levels of quality, performance, interoperability, environmental protection, health, safety or dimensions; and
 - (ii) the requirements applicable to the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking or labelling and conformity assessment procedures; and
- (b) production methods and processes relating to the product, where these have an effect on the characteristics of the product.

(3) For the purposes of this regulation a “recognised standardisation body” means any one of the following organisations—

- (a) the European Committee for Standardisation (CEN);
- (b) the European Committee for Electrotechnical Standardisation (Cenelec);
- (c) the European Telecommunications Standards Institute (ETSI);
- (d) the British Standards Institution (BSI).

(4) When considering whether the manner of publication of a reference is appropriate in accordance with paragraph (1)(b), the Secretary of State must have regard to whether the publication will draw the standard to the attention of any person who may have an interest in the standard.

(5) Before publishing the reference to a technical specification adopted by the British Standards Institution, the Secretary of State must have regard to whether the technical

specification is consistent with technical specifications adopted by the other recognised standardisation bodies.

(6) The Secretary of State may remove from publication the reference to a standard which has been published in accordance with paragraph (1)(b).

(7) Where the Secretary of State removes the reference to a standard from publication, that standard is no longer a designated standard.

(8) In this regulation, a reference to a “product” is a reference to machinery to which these Regulations apply.

(9) The Secretary of State may by regulations amend paragraph (3) to reflect any changes in the name or structure of the recognised standardisation bodies.

(10) Regulations made under paragraph (9) are to be made by statutory instrument.

(11) A statutory instrument containing regulations made under paragraph (9) is subject to annulment in pursuance of a resolution of either House of Parliament.”.

Commencement Information

I3 Sch. 12 para. 3 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Amendment to regulation 3

4. In regulation 3 (placing on the market and putting into service; supplies outside the EEA and showing at trade fairs not covered)—

[^{F4}(a) in the heading for “the EEA” substitute “Great Britain”];

(b) in each place in which it occurs for “an EEA state” substitute “[^{F5}Great Britain]”; and

(c) in paragraph (2)(a) in both places in which it occurs for “CE” substitute “UK”.

F4 Sch. 12 para. 4(a) substituted (31.12.2020 immediately before IP completion day) by [The Product Safety and Metrology etc. \(Amendment to Extent and Meaning of Market\) \(EU Exit\) Regulations 2020 \(S.I. 2020/676\)](#), [regs. 1\(1\), 4\(3\)\(a\)](#)

F5 Words in Sch. 12 para. 4(b) substituted (31.12.2020 immediately before IP completion day) by [The Product Safety and Metrology etc. \(Amendment to Extent and Meaning of Market\) \(EU Exit\) Regulations 2020 \(S.I. 2020/676\)](#), [regs. 1\(1\), 4\(3\)\(b\)](#)

Commencement Information

I4 Sch. 12 para. 4 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Amendment to regulation 5

5. In regulation 5 (disapplication where more specific Community safety rules apply)—

(a) in the heading omit “Community”;

(b) for “EU directives other than the Directive” substitute “ other enactments [^{F6}(as they apply in Great Britain)] ”; and

(c) in the second place in which it occurs for “the Directive” substitute “ these Regulations ”.

Changes to legislation: There are currently no known outstanding effects for the *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 12.* (See end of Document for details)

F6 Words in Sch. 12 para. 5(b) inserted (31.12.2020 immediately before IP completion day) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), reg. 1(4), [Sch. 3 para. 7\(3\)](#)

Commencement Information

I5 Sch. 12 para. 5 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see reg. 1

Amendment to regulation 7

6. In regulation 7 (supply of machinery: general obligations and prohibition)—

(a) in paragraph (2)(e) omit “EC”;

[^{F7}(b) in paragraph (2)(f)—

(i) for “CE” substitute “ UK ”;

(ii) after “machinery” insert “ or where paragraph (2A) applies, or on a label affixed to, or document accompanying, the machinery ”;]

[^{F8}(ba) after paragraph (2) insert—

“(2A) For a period of 24 months beginning with IP completion day, the UK marking may be affixed to—

(a) a label affixed to the machinery; or

(b) a document accompanying the machinery.”;]

(c) in paragraph (4)—

(i) for “harmonised” substitute “ designated ”;

(ii) omit “the references to which have been published in the Official Journal of the European Union (a “published harmonised standard”)”.

F7 Sch. 12 para. 6(b) substituted (31.12.2020 immediately before IP completion day) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), reg. 1(4), [Sch. 3 para. 7\(4\)\(a\)](#)

F8 Sch. 12 para. 6(ba) inserted (31.12.2020 immediately before IP completion day) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), reg. 1(4), [Sch. 3 para. 7\(4\)\(b\)](#)

Commencement Information

I6 Sch. 12 para. 6 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see reg. 1

Amendment to regulation 11

7. In regulation 11 (Annex IV machinery manufactured fully in accordance with published harmonised standards and fully covered by such standards)—

(a) in the heading and in paragraphs (1)(b)(i) and (1)(b)(ii) for “published harmonised” substitute “ designated ”;

(b) in paragraph (2)(b) for “EC type-” substitute “ Type- ”.

Commencement Information

- I7** Sch. 12 para. 7 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Amendment to regulation 12

8. In regulation 12 (Annex IV machinery not manufactured fully in accordance with published harmonised standards or not fully covered by such standards)—

- (a) in the heading and in paragraphs (1)(b)(i) to (iii) for “published harmonised” substitute “designated”;
- (b) in paragraph (1)(b)(iv) for “harmonised” substitute “designated”;
- (c) in sub-paragraph (2)(a) for “EC type-” substitute “Type-”.

Commencement Information

- I8** Sch. 12 para. 8 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Insertion of regulation 12A

9. After regulation 12 insert—

“Obligations which are met by complying with obligations in the Directive

12A.—(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article of or an Annex to the Directive;
 - (b) “CE marking” means the marking referred to in Article 16(1);
 - (c) “harmonised standard” means a harmonised standard within the meaning of Article 2(1), the reference to which has been published in the Official Journal of the European Union.
- (2) Subject to paragraphs (6) and (7), paragraph (3) applies where, before placing machinery on the market or putting machinery into service, the responsible person—
- (a) ensures that the machinery satisfies the essential health and safety requirements set out in Annex I;
 - (b) ensures that the technical file referred to in Annex VII, part A is available to the enforcement authorities on request;
 - (c) provides the necessary information, referred to in Article 5(1)(c);
 - (d) carries out the appropriate procedures for assessing conformity in accordance with Article 12;
 - (e) ensures that the technical file, necessary information and records and correspondence relating to the conformity assessment procedures are prepared in or translated into English;
 - (f) draws up the EC declaration of conformity in accordance with Annex II, part I, Section A and ensure that it accompanies the machinery;

Changes to legislation: *There are currently no known outstanding effects for the The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 12. (See end of Document for details)*

- (h) ensures that the EC declaration of conformity is prepared in or translated into English; and
 - (i) affixes the CE marking in accordance with Article 16.
- (3) Where this paragraph applies—
- (a) the requirements of regulation 7(2)(a), (b), (c), (e)(i) and (f) are to be treated as being satisfied;
 - (b) regulations 7(2)(e)(ii), 15 and 21 apply subject to the modifications in paragraph (8);
 - (c) Part 8 of Schedule 2 does not apply.
- (4) Subject to paragraphs (6) and (7) paragraph (5) applies where, before placing partly completed machinery on the market, the responsible person ensures that—
- (a) the relevant technical documentation referred to in Annex VII part B is prepared in or translated into English;
 - (b) the assembly instructions referred to in Annex VI are prepared in or translated into English; and
 - (c) a declaration of incorporation referred to in Annex II part 1, Section B has been drawn up in or translated into English.
- (5) Where this paragraph applies the requirements of regulation 8(1) are to be treated as being satisfied.
- (6) This paragraph applies to machinery listed in Annex IV where there is no designated standard or part of a designated standard which corresponds exactly to a harmonised standard or part of a harmonised standard referred to in Article 7(2).
- (7) Where paragraph (6) applies, paragraph (2)(d) is to be read as requiring the responsible person to have carried out the conformity assessment procedure in Article 12(4).
- (8) The modifications referred to in paragraph (3)(b) are that—
- (a) any reference to “declaration of conformity” is to be read as a reference to the EU declaration of conformity;
 - (b) any reference to “UK marking” is to be read as a reference to the CE marking.

[F⁹Expiry of regulation 12A

12B.—(1) Subject to paragraph (2), regulation 12A ceases to have effect at the end of the period of 12 months beginning with IP completion day.

- (2) Notwithstanding the expiry of regulation 12A—
- (a) any machinery or partly completed machinery which was placed on the market or put into service pursuant to regulation 12A may continue to be made available on the market on or after the expiry of regulation 12A;
 - (b) any obligation to which a person was subject under regulation 12A(2) in respect of machinery or partly completed machinery placed on the market or put into service pursuant to regulation 12A continues to have effect after the expiry of regulation 12A, in respect of that machinery or partly completed machinery.

Qualifying Northern Ireland Goods

12C.—(1) Where paragraph (2) applies the requirements of Part 3, other than those in regulations 12A, 12B and this regulation, are treated as being satisfied.

- (2) This paragraph applies where—

Changes to legislation: There are currently no known outstanding effects for the *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 12.* (See end of Document for details)

- (a) the responsible person has complied with the requirements of Part 3, as that Part applies in Northern Ireland; and
 - (b) the machinery or partly completed machinery is qualifying Northern Ireland goods.
- (3) In this regulation “qualifying Northern Ireland goods has the meaning given to it in regulations made under section 8C(6) of the European Union (Withdrawal) Act 2018.”]

F9 Words in Sch. 12 para. 9 inserted (31.12.2020 immediately before IP completion day) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), reg. 1(4), [Sch. 3 para. 7\(5\)](#)

Commencement Information

I9 Sch. 12 para. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Amendment to heading to Part 4

- 10.** For the heading to Part 4 substitute— “ Part 4 UK Marking ”.

Commencement Information

I10 Sch. 12 para. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Amendment to regulation 13

- 11.** In regulation 13 (CE marked machinery to be taken to comply with Regulations)—
- (a) in the heading for “CE” substitute “ UK ”;
 - (b) in paragraph (1)—
 - (i) for “CE” substitute “ UK ”;
 - (ii) for “an EC” substitute “ a ”.
- [^{F10}(c) after paragraph (1) insert—
- “(1A) For the purposes of paragraph (1) machinery bears the UK marking if, in accordance with regulation 7(2A), the UK marking is affixed to —
- (a) a label affixed to the machinery; or
 - (b) a document accompanying the machinery.”]

F10 Sch. 12 para. 11(c) inserted (31.12.2020 immediately before IP completion day) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), reg. 1(4), [Sch. 3 para. 7\(6\)](#)

Commencement Information

I11 Sch. 12 para. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Changes to legislation: There are currently no known outstanding effects for the The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 12. (See end of Document for details)

Amendment to regulation 14

- 12.**—(1) Regulation 14 (machinery covered by more than one Directive) is amended as follows.
- (2) In the heading for “Directive” substitute “ enactment ”.
- (3) In paragraph (1)—
- (a) for “EU directive” substitute “ enactment ”;
 - (b) for “the Directive” substitute “ these Regulations ”;
 - (c) for “the other Directive” substitute “ the other enactment ” in both places in which it occurs;
 - (d) for “CE” substitute “ UK ”.
- (4) In paragraph (2)—
- (a) in each place in which it occurs for “Directive” substitute “ enactment ”;
 - (b) in sub-paragraph (c) omit—
 - (i) “as published in the Official Journal of the European Union”;
 - (ii) “EC”;
 - (c) in the text following subparagraph (c) for “CE” substitute “ UK ”.

Commencement Information

I12 Sch. 12 para. 12 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Amendment to regulation 15

13. In regulation 15 (protection of CE marking) in the heading and in each place where it occurs for “CE” substitute “ UK ”.

Commencement Information

I13 Sch. 12 para. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Amendment to the heading to Part 5

14. For the heading to Part 5 substitute— “ Part 5 Approved Bodies ”.

Commencement Information

I14 Sch. 12 para. 14 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Omission of regulation 16

15. Omit regulation 16 (designation and monitoring of UK notified bodies).

Commencement Information

I15 Sch. 12 para. 15 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1**

Insertion of regulations 16A to 16C

16. Before regulation 17 insert—

“Approved bodies

16A.—(1) An approved body is a person who—

- (a) on or after [^{F11} IP completion day] has been designated to carry out conformity assessment in accordance with regulation 16B, to the extent that the designation remains in effect; or
- (b) immediately before [^{F11} IP completion day] was a UK notified body.

(2) Paragraph (1) is subject to regulation 17.

(3) In this Part a “UK notified body” means a person who immediately before [^{F11} IP completion day] was a UK notified body as defined in regulation 16(3) of these Regulations as they had effect immediately before [^{F11} IP completion day].

Approved body designation

16B.—(1) The Secretary of State may only designate a person to carry out conformity assessment if that person qualifies for approval.

(2) A person qualifies for approval if the Secretary of State—

- (a) is satisfied that the person meets the criteria specified in Annex XI (Part 11 of Schedule 2) (“approved body criteria”); and
- (b) makes a designation in respect of that person (an “approved body designation”).

(3) Where a person meets the assessment criteria laid down in a designated standard (or part of such a standard) the Secretary of State is to presume that the person meets the approved body criteria covered by that standard (or that part of that standard).

(4) Where the Secretary of States makes an approved body designation, that designation—

- (a) must be in writing;
- (b) must specify the conformity assessment procedures that the person designated may carry out;
- (c) may relate to all the categories of machinery listed in Annex IV (Part 4 of Schedule 2) or to such of those categories as are specified in the designation;
- (d) may designate a person for a specified period; and
- (e) may be made subject to such other conditions as are specified in the designation, including conditions which are to apply upon or following termination of the designation.

(5) In making an approved body designation the Secretary of State may have regard (in addition to the approved body criteria) to any other matter which appears to the Secretary of State to be relevant.

Changes to legislation: There are currently no known outstanding effects for the *The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 12. (See end of Document for details)*

(6) Where an approved body was a UK notified body immediately before [F12IP completion], an “approved body designation” means a notified body designation within the meaning of regulation 16(2) and (4) of these Regulations, as they had effect immediately before [F12IP completion].

Monitoring

16C.—(1) The Secretary of State must, from time to time, carry out an inspection of each approved body with a view to verifying that it—

- (a) meets the approved body criteria;
- (b) complies with any condition to which its designation is subject—
 - (i) in accordance with regulation 16B(4)(e);
 - (ii) in the case of an approved body which was a UK notified body immediately before [F13IP completion], in accordance with regulation 16(8)(e) as it applied before [F13IP completion]; and
- (c) complies with these Regulations.

(2) An approved body must comply with any request of the Secretary of State to provide information relevant to determining its compliance with the approved body criteria, these Regulations, or any condition to which its designation is subject.”.

- F11** Words in Sch. 12 para. 16 substituted (31.12.2020 immediately before IP completion day) by [The Product Safety and Metrology \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/852\), regs. 2\(2\), 4\(2\), Sch. 1 para. 1\(d\)\(iii\)](#)
- F12** Words in Sch. 12 para. 16 substituted (31.12.2020 immediately before IP completion day) by [The Product Safety and Metrology \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/852\), regs. 2\(2\), 4\(2\), Sch. 1 para. 1\(d\)\(iv\)](#)
- F13** Words in Sch. 12 para. 16 substituted (31.12.2020 immediately before IP completion day) by [The Product Safety and Metrology \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/852\), regs. 2\(2\), 4\(2\), Sch. 1 para. 1\(d\)\(v\)](#)

Commencement Information

- I16** Sch. 12 para. 16 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Amendment to regulation 17

17. Regulation 17 (duration, variation and termination of designations) is amended as follows—

- (a) in each place in which it occurs—
 - (i) for “a notified” substitute “ an approved ”;
 - (ii) for “a UK notified” substitute “ an approved ”;
 - (iii) for “the UK notified” substitute “ the approved ”;
 - (iv) for “another notified” substitute “ another approved ”;
 - (v) for “another UK notified” substitute “ another approved ”.
- (b) after paragraph (6) insert—

“(7) The activities undertaken as an approved body referred to in paragraph (6) include any activities that the body has undertaken as a UK notified body.”.

Commencement Information

I17 Sch. 12 para. 17 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1**

Amendment to regulation 18

18. In regulation 18 (functions of UK notified bodies) in the heading and in each place in which it occurs—

- (a) for “notified” substitute “ approved ”;
- (b) for “UK notified” substitute “ approved ”
- (c) for “a UK notified” substitute “ an approved ”;
- (d) for “the UK notified” substitute “ the approved ”.

Commencement Information

I18 Sch. 12 para. 18 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1**

Amendment to regulation 19

19. In regulation 19 (fees) in each place in which it occurs for “a UK notified” substitute “ an approved ”.

Commencement Information

I19 Sch. 12 para. 19 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1**

Insertion of Regulation 19A

20. After regulation 19 insert—

“Register of approved bodies

19A.—(1) The Secretary of State must—

- (a) assign an approved body identification number to each approved body; and
- (b) compile and maintain a register of—
 - (i) approved bodies;
 - (ii) their approved body identification numbers;
 - (iii) the activities for which they have been approved: and
 - (iv) any restriction on those activities.

(2) The register referred to in paragraph (1) must be made publicly available.”.

Changes to legislation: There are currently no known outstanding effects for the The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 12. (See end of Document for details)

Commencement Information

I20 Sch. 12 para. 20 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Amendment to regulation 21

- 21.** In regulation 21 (non-compliance with CE marking requirements)—
- (a) in the heading and in each place in which it occurs for “CE” substitute “ UK ”;
 - [^{F14}(aa) in paragraph (1) after “affixed to it” insert “ (or, where regulation 7(2A) applies, to a label affixed to it or a document accompanying it) ” (four times);]
 - (b) in paragraph (1)(a) in both places in which it occurs for “the Directive” substitute “ these Regulations ”;
 - (c) in paragraph (1)(b)(ii) omit “EC”.

F14 Sch. 12 para. 21(aa) inserted (31.12.2020 immediately before IP completion day) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), [reg. 1\(4\)](#), **Sch. 3 para. 7(7)**

Commencement Information

I21 Sch. 12 para. 21 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Insertion of regulations 30 and 31

- 22.** After regulation 29 insert—

“Transitional provisions in relation to EU Exit

- 30.—(1)** In this regulation—

“pre-exit period” means the period beginning with 29 December 2009 and ending immediately before [^{F15}IP completion day];

“product” means machinery to which these Regulations apply.

(2) Where a product was made available on the market during the pre-exit period, despite the amendments made by Schedule 12 to the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019^{M1}, any obligation to which a person was subject under these Regulations as they had effect immediately before [^{F15}IP completion day], continues to have effect as it did immediately before [^{F15}IP completion day], in relation to that product.

- (3) Where during the pre-exit period—

- (a) a product has not been placed on the market; and
- (b) a manufacturer has taken any action to comply with regulations 10 to 12 as they had effect immediately before [^{F15}IP completion day] in relation to that product

that action has effect as if it had been done under regulations 10 to 12 as they have effect on and after [^{F15}IP completion day].

- 31.—(1)** In this regulation—

“information requirements” means the requirements set out in—

- (a) section 1.7.3 of Schedule 2, Part 1 that all machinery must be marked visibly, legibly and indelibly with the business name and full address of the manufacturer and where applicable the manufacturer's authorised representative; and
 - (b) section 4.3.1 of Schedule 2, Part 1 that each length of lifting chain, rope or webbing not forming part of an assembly must bear a mark or, where this is not possible, a plate or irremovable ring bearing the name and address of the responsible person and the identifying reference of the relevant certificate.
- (2) The information requirements do not apply to a person who—
- (a) falls within paragraph (b) of the definition of manufacturer in regulation 2(2);
 - (b) has imported machinery from an EEA state and places it on the market within a period of [^{F16}24 months] beginning with [^{F17}IP completion day]; and
 - (c) before placing the machinery on the market, sets out the information referred to in sections 1.7.3 and 4.3.1 of Schedule 2, Part 1 in a document accompanying the machinery.”

F15 Words in Sch. 12 para. 22 substituted (31.12.2020 immediately before IP completion day) by [The Product Safety and Metrology \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/852\)](#), regs. 2(2), 4(2), **Sch. 1 para. 1(d)(vi)**

F16 Words in Sch. 12 para. 22 substituted (31.12.2020 immediately before IP completion day) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1460\)](#), reg. 1(4), **Sch. 3 para. 2(1)(b)**

F17 Words in Sch. 12 para. 22 substituted (31.12.2020 immediately before IP completion day) by [The Product Safety and Metrology \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/852\)](#), regs. 2(2), 4(2), **Sch. 1 para. 1(d)(vii)**

Commencement Information

I22 Sch. 12 para. 22 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1](#)

Marginal Citations

M1 [S.I. 2019/696](#)

Amendment to Schedule 2 Part 1 Annex 1

23.—(1) Schedule 2 Part 1 Annex 1 (essential health and safety requirements relating to the design and construction of machinery) is amended as follows.

(2) In point 1 (general Principles) in the fourth indent omit “in accordance with the objective of the Directive”.

(3) In section 1.5.1 (electricity Supply)—

(a) for “Directive [2006/95/EC](#)” substitute “ [Electrical Equipment \(Safety\) Regulations 2016](#) ”^{M2};

(b) for “the Directive” substitute “ [these Regulations](#) ”.

(4) In section 1.5.7 (explosion) “EU directives” substitute “enactments”.

(5) In section 1.7.1 (information and warnings on machinery) for the paragraph under the heading substitute—

Changes to legislation: There are currently no known outstanding effects for the The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 12. (See end of Document for details)

“Information and warnings on the machinery should preferably be provided in the form of readily understandable symbols or pictograms. Any written or verbal information and warnings must be expressed in English and may be accompanied on request by versions in any other language or languages understood by the operators.”

- (6) In section 1.7.1.2 (warning devices) for “EU Directives” substitute “enactments”.
- (7) In section 1.7.3 (marking of machinery) in both places in which it occurs for “CE” substitute “UK”.
- (8) In section 1.7.4 (instructions)—
- (a) in the first paragraph, for “the official Community language or languages of the EEA state in which it is placed on the market and/or put into service” substitute “English”;
- (b) in the third paragraph omit “official Community”.
- (9) In section 1.7.4.1 (general principles for the drafting of instructions)—
- (a) at subsection (a) for “one or more official Community languages” substitute “English”;
- (b) at subsection (b)—
- (i) for “the official language(s) of the country where the machinery is to be used” substitute “English”;
- (ii) omit “into that/those language(s)”;
- (iii) for “language area in question” substitute “United Kingdom”.
- (10) In section 1.7.4.2 (contents of the instructions)—
- (a) in subsection (c) in both places in which it occurs omit “EC”;
- (b) in subsection (u)—
- (i) for “harmonised” substitute “designated”;
- (ii) in both places in which it occurs for “EU directives” substitute “enactments”.
- (11) In section 2.1.1 (general) in subsection (a) for “Directives” substitute “enactments”.
- (12) In section 2.2.1.1 (instructions), in both places in which it occurs, for “harmonised” substitute “designated”.
- (13) For section 2.4.10(i) substitute—
- “(i) an indication that the machinery may be subject to requirements for regular inspection by designated bodies, as provided for in the Plant Protection Products (Sustainable Use) Regulations 2012”.^{M3}
- (14) In section 3.6.3.1 (vibrations) for “harmonised” substitute “designated”.

Commencement Information

I23 Sch. 12 para. 23 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

Marginal Citations

M2 S.I. 2016/1011, amended by S.I.2017/1206, S.I. 2018/966.

M3 S.I. 2012/1657, amended by S.I. 2016/765, S.I. 2018/942.

Amendment to Schedule 2 Part 2 Annex II

24.—(1) Schedule 2 Part 2 Annex II (Declarations) is amended as follows.

(2) In Section 1 Part A (EC Declaration of conformity of the machinery)—

- (a) in the heading and in the third paragraph omit “EC”;
- (b) in point 2 omit “, who must be established in an EEA state”;
- (c) in point 4—
 - (i) for “the Directive” substitute “ these Regulations ”;
 - (ii) for “Directives and/or” substitute “ enactments or ”;
- [^{F18}(d) in point 5—
 - (i) for “notified” substitute “ approved ”;
 - (ii) for “EC type-” substitute “ Type- ” in both places in which it occurs;]
- [^{F19}(da) in point 6 for “notified” substitute “ approved ”;]
- (e) in point 7 for “published harmonised” substitute “ designated ”.
- (3) in Section 1 Part B (declaration of incorporation of partly completely machinery)—
 - (a) in point 2 omit “, who must be established in an EEA state”;
 - (b) in point 4—
 - (i) for “Directives” substitute “ enactments ”;
 - (ii) omit “These references must be those of the texts published in the Official Journal of the European Union”;
 - (c) in point 6 for “the Directive” substitute “ these Regulations ”.
- (4) In Section 2 (Custody) omit “EC” from the first paragraph.

F18 Sch. 12 para. 24(2)(d) substituted (31.12.2020 immediately before IP completion day) by [The Product Safety, Metrology and Mutual Recognition Agreement \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1246\)](#), regs. 1(3), **11(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F19 Sch. 12 para. 24(2)(da) inserted (31.12.2020 immediately before IP completion day) by [The Product Safety, Metrology and Mutual Recognition Agreement \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1246\)](#), regs. 1(3), **11(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I24 Sch. 12 para. 24 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Amendment to Schedule 2 Part 3 Annex III

25. For Schedule 2 Part 3 Annex III (CE marking) substitute—

“Part 3

Annex III UK marking

The UK marking must be affixed in the immediate vicinity of the name of the responsible person, using the same technique.

Where the full quality assurance procedure prescribed in Annex X (Part 10 of this Schedule) has been applied, the UK marking must be followed by the identification number of the approved body.”.

Changes to legislation: There are currently no known outstanding effects for the The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 12. (See end of Document for details)

Commencement Information

I25 Sch. 12 para. 25 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Amendment to Schedule 2 Part 6 Annex VI

26. In Schedule 2 Part 6 Annex VI (assembly instructions for partly completed machinery) for “an official Community” substitute “English or a”.

Commencement Information

I26 Sch. 12 para. 26 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Amendment to Schedule 2 Part 7 Annex VII

27.—(1) Schedule 2 Part 7 Annex VII (technical files) is amended as follows.

(2) In Part A (technical file for machinery)—

(a) in the introductory paragraph—

(i) for “the Directive” substitute “these Regulations”;

(ii) for “one or more official Community languages” substitute “English”;

(b) in point 1(a)(ii) in both places in which it occurs omit “EC”;

(c) in point 1(b) for “the Directive” substitute “these Regulations”;

(d) in point 2—

(i) in the first paragraph omit “and the competent authorities of any other EEA state”;

(ii) in the second paragraph—

(aa) for “territory of an EEA state” substitute “United Kingdom”;

(bb) omit “EC”;

(e) in point 3 for “competent national authorities” substitute “enforcement authorities”.

(3) In Part B (relevant technical documentation for partly completed machinery)—

(a) in the introductory paragraph—

(i) for “the Directive” substitute “these Regulations”;

(ii) for “one or more official Community languages” substitute “English”;

(b) in point (b)—

(i) in the second paragraph for “territory of an EEA state” substitute “United Kingdom”;

(ii) in both places in which it occurs in the second and third paragraphs, omit “or a competent authority of any other EEA state”.

Commencement Information

I27 Sch. 12 para. 27 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Amendment to Schedule 2 Part 8 Annex VIII

28. In Schedule 2 Part 8 Annex VIII (assessment of conformity with internal checks on the manufacture of machinery) in points 1 and 3 for “the Directive” substitute “ these Regulations ”.

Commencement Information

I28 Sch. 12 para. 28 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Amendment to Schedule 2 Part 9 Annex IX

29.—(1) Schedule 2 Part 9 (EC type-examinations) is amended as follows.

(2) In the heading for “EC type-” substitute “ Type- ”.

(3) In the introductory paragraph—

(a) for “EC type-” substitute “ Type- ”;

[^{F20}(aa) for “a notified” substitute “ an approved ”;]

(b) for “the Directive” substitute “ these Regulations ”.

(4) In point 2—

(a) for “an EC type-” substitute “ a Type- ”;

(b) for “a notified” substitute “ an approved ”;

(c) in each place in which it occurs (other than that referred to in sub-paragraph (b)) for “notified” substitute “ approved ”.

(5) In point 3 for “notified” substitute “ approved ”.

(6) In points 3.2 and 3.3 for “published harmonised” substitute “ designated ”.

(7) In point 4—

(a) for “the Directive” substitute “ these Regulations ”;

(b) in both places in which it occurs for “notified” substitute “ approved ”;

(c) for “an EC type-” substitute “ a Type- ”.

(8) For point 5 substitute—

“**5.** If the type does not satisfy the provisions of these Regulations, the approved body shall refuse to issue the applicant with a Type-examination certificate, giving detailed reasons for its refusal. It shall inform the applicant, the other approved bodies and the Secretary of State. An appeal procedure must be available.”.

(9) In point 6—

(a) in both places in which it occurs for “notified” substitute “ approved ”;

(b) in both places in which it occurs for “EC type-” substitute “ Type- ”.

(10) In point 7—

(a) for “Commission, the Member States” substitute “ Secretary of State ”;

(b) for “Commission and the Member States” substitute “ Secretary of State ”;

(c) in both places in which it occurs for “notified” substitute “ approved ”;

(d) for “EC type-” substitute “ Type- ”.

(11) For the text in point 8 substitute—

Changes to legislation: There are currently no known outstanding effects for the The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 12. (See end of Document for details)

“8. Files and correspondence referring to the Type-examination procedures shall be written in English or any other language acceptable to the approved body.”.

(12) In point 9, 9.1, the first paragraph of 9.3 and 9.4 for “EC type-” substitute “ Type- ”.

(13) In ^{F21}... each place in which it occurs in point [^{F22}points 9.1 and 9.3], for “notified” substitute “ approved ”.

F20 Sch. 12 para. 29(3)(aa) inserted (31.12.2020 immediately before IP completion day) by [The Product Safety, Metrology and Mutual Recognition Agreement \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1246\)](#), regs. 1(3), **11(c)**; 2020 c. 1, Sch. 5 para. 1(1)

F21 Words in Sch. 12 para. 29(13) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Product Safety, Metrology and Mutual Recognition Agreement \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1246\)](#), regs. 1(3), **11(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F22 Words in Sch. 12 para. 29(13) substituted (31.12.2020 immediately before IP completion day) by [The Product Safety, Metrology and Mutual Recognition Agreement \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1246\)](#), regs. 1(3), **11(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I29 Sch. 12 para. 29 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Amendment to Schedule 2 Part 10 Annex X

30. In Schedule 2 Part 10 Annex X (full quality assurance)—

- (a) in the introductory paragraph and in the first paragraph in point 2.1 for “a notified” substitute “ an approved ”;
- (b) for “notified” substitute “ approved ” in—
 - (i) the fourth indent to point 2.1;
 - (ii) the first paragraph of point 2.3;
 - (iii) the [^{F23}second paragraph and the] third paragraph of point 2.4;
 - (iv) point 3;
 - (v) the first paragraph of point 3.2;
 - (vi) point 3.3;
 - (vii) the first paragraph [^{F24}in both places in which it occurs and in] the final paragraph of point 3.4;
 - (viii) the second indent to point 4;
- (c) in both places in which it occurs in point 2.2 for “the Directive” substitute “ these Regulations ”;
- (d) in the second indent to point 2.2 and in the second paragraph to point 2.3 for “harmonised” substitute “ designated ”.

F23 Words in Sch. 12 para. 30(b)(iii) inserted (31.12.2020 immediately before IP completion day) by [The Product Safety, Metrology and Mutual Recognition Agreement \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1246\)](#), regs. 1(3), **11(e)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F24 Words in Sch. 12 para. 30(b)(vii) substituted (31.12.2020 immediately before IP completion day) by [The Product Safety, Metrology and Mutual Recognition Agreement \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1246\)](#), regs. 1(3), **11(e)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I30 Sch. 12 para. 30 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Amendment to Schedule 2 Part 11 Annex XI

31. In Schedule 2 Part 11 Annex XI (minimum criteria to be taken into account by Member States for the notification of bodies)—

(a) in the heading for “Member States for the notification” substitute “ the Secretary of State for approval ”;

[^{F25}(aa) in point 3 for “notified” substitute “ approved ”;]

(b) in point 8—

(i) for “notified” substitute “ approved ”;

(ii) omit “take part directly or be represented in European standardisation, or”.

F25 Sch. 12 para. 31(aa) inserted (31.12.2020 immediately before IP completion day) by [The Product Safety, Metrology and Mutual Recognition Agreement \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/1246\)](#), [regs. 1\(3\), 11\(f\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Commencement Information

I31 Sch. 12 para. 31 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Amendment to Schedule 3

32. In Schedule 3—

^{F26}(a)

(b) in paragraph 1(k) for “Council Directive [2006/95/EC](#) of 12 December 2006 on the harmonisation of the laws of Member States” substitute “ The Electrical Equipment (Safety) Regulations 2016 ^{M4} ”;

^{F27}(c)

F26 Sch. 12 para. 32(a) omitted (1.9.2020) by virtue of [The Road Vehicles \(Approval\) Regulations 2020 \(S.I. 2020/818\)](#), [reg. 1\(b\), Sch. 6 para. 40\(2\)](#) (with [Sch. 4 paras. 16, 17](#))

F27 Sch. 12 para. 32(c) omitted (1.9.2020) by virtue of [The Road Vehicles \(Approval\) Regulations 2020 \(S.I. 2020/818\)](#), [reg. 1\(b\), Sch. 6 para. 40\(2\)](#) (with [Sch. 4 paras. 16, 17](#))

Commencement Information

I32 Sch. 12 para. 32 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Marginal Citations

M4 [S.I. 2016/1101](#), amended by [S.I. 2017/1206](#), [S.I. 2018/966](#).

Amendment to Schedule 4

33. In Schedule 4 (appeals against notified body decisions)—

Changes to legislation: There are currently no known outstanding effects for the The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 12. (See end of Document for details)

- (a) in the heading for “notified” substitute “ approved ”;
- (b) in paragraph 1—
 - (i) for “a UK notified” substitute “ an approved ”;
 - (ii) for “UK notified” substitute “ approved ”.

Commencement Information

I33 Sch. 12 para. 33 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Amendment to Schedule 5

- 34.** In Schedule 5 (enforcement)—
- (a) in points (8)(f)(i), (10)(e)(i) and in paragraph 16 for “CE” substitute “ UK ”;
 - (b) in paragraph 16 omit “with a view to that information being passed by the Secretary of State to the Commission”.

Commencement Information

I34 Sch. 12 para. 34 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 12.