

SCHEDULE 25

Amendment of the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016

34. After regulation 72 insert—

“**Transitional provision in relation to EU Exit**

72A.—(1) In this regulation—

“pre-exit period” means the period beginning with the commencement date and ending immediately before [^{F1}IP completion day];

(2) Subject to paragraph (3), where a product was made available on the market during the pre-exit period, despite the amendments made by Schedule 25 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 [^{F1}IP completion day], continues to have effect as it did immediately before [^{F1}IP completion day], in relation to that product.

(3) Paragraph (2) does not apply to—

- (a) any obligation of any enforcing authority to inform the European Commission or the member States of any matter; or
- (b) any obligation to take action outside of the market in respect of that product.

(4) Where during the pre-exit period—

- (a) a product has not been placed on the market; and
- (b) a manufacturer has taken any action under regulation 38 as it had effect immediately before [^{F1}IP completion day] in relation to that product,

that action has effect as if it had been done under regulation 38 as it had effect on and after [^{F1}IP completion day].”.

F1 Words in Sch. 25 para. 34 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\(n\)\(vi\)](#)

Commencement Information

II Sch. 25 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](#)

Marginal Citations

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

Changes to legislation:

There are currently no known outstanding effects for the The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, Paragraph 34.