

SCHEDULE 28

Amendment of the Recreational Craft Regulations 2017 and related amendment

PART 2

Amendment to Commission Implementing Regulation (EU) 2017/1

Introduction

55. Commission Implementing Regulation (EU) 2017/1 on procedures for watercraft identification under Directive 2013/53/EU of the European Parliament and of the Council on recreational and personal watercraft is amended in accordance with paragraphs 56 to 66.

Commencement Information

- II** Sch. 28 para. 55 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 Article 2

56. In Article 2 (definitions)—

(a) for point (a) substitute—

“(a) ‘UK national body’ means a body appointed by the Secretary of State for assigning the unique code of the manufacturer;”;

(b) for point (c) substitute—

“(c) ‘UK national register’ means the register held by or on behalf of the Secretary of State, where the unique code of manufacturer for manufacturers established in the United Kingdom is recorded;”;

(c) for point (d) substitute—

“(d) ‘UK third country register’ means the register held by or on behalf of the Secretary of State, where the unique code of manufacturer for manufacturers established outside of the United Kingdom is recorded;”;

(d) omit point (e);

(e) for point (f) substitute—

“(f) ‘approved bodies’ register’ means the register held by or on behalf of the Secretary of State where the post-construction assessment identification code is recorded.”.

Commencement Information

- I2** Sch. 28 para. 56 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 Article 3

57. In Article 3 (watercraft identification number)—

Changes to legislation: There are currently no known outstanding effects for the The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, PART 2. (See end of Document for details)

- (a) in paragraph 1(b)—
 - (i) for “the national authority of a Member State” substitute “ or on behalf of the Secretary of State ”;
 - (ii) omit the words from “however” to the end;
- (b) in paragraph 1(e) after “on the” insert “ United Kingdom ”;
- (c) in paragraph 2 for “Point 2.1 of Annex I to Directive 2013/53/EU” substitute “ paragraph 2.1 of Schedule 1 to the Recreational Craft Regulations 2017 ^{M1} ”.

Commencement Information

I3 Sch. 28 para. 57 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. 2017/737](#), amended by [S.I. 2017/1206](#) and [S.I. 2018/389](#).

Amendment to Article 4

- 58.** In Article 4 (assignment of the unique code of the manufacturer)—
- (a) in paragraph 1 for “national authority or national body of the Member State” substitute “ UK national body or, if none is designated, the Secretary of State ”;
 - (b) in paragraph 2—
 - (i) for “national authority or national body of a Member State” substitute “ UK national body or the Secretary of State ”;
 - (ii) for “Union” substitute “ United Kingdom ”.

Commencement Information

I4 Sch. 28 para. 58 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 Article 5

- 59.** In Article 5 (national authority for assigning the unique code of the manufacturer)—
- (a) in the heading for “National authority” substitute “ UK national body ”;
 - (b) in paragraph 1 for “Each Member State shall designate the national authority or the” substitute “ The Secretary of State may designate the UK ”;
 - (c) omit paragraph 2;
 - (d) after paragraph 2 insert—

“**3.** In the absence of a designation under paragraph 1, the Secretary of State is responsible for assigning the unique code of the manufacturer.”.

Commencement Information

I5 Sch. 28 para. 59 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 Article 6

60. In Article 6 (procedure for assignment of the unique code of the manufacturer to a manufacturer established in a Union Member State)—

- (a) in the heading for “manufacturer established in a Union Member State” substitute “manufacturer established in the United Kingdom”;
- (b) for paragraph 1 substitute—

“**1.** A manufacturer established in the United Kingdom must, before placing a watercraft on the [^{F1}market of Great Britain], submit an application in English for the assignment of the unique code of the manufacturer, to the UK national body or, if none is designated, the Secretary of State.”;
- (c) in paragraph 2—
 - (i) for “its Member State” substitute “the United Kingdom”;
 - (ii) for “a language” to the end, substitute “English”;
- (d) in paragraph 3 for “national authority or national body” substitute “UK national body or, if none is designated, the Secretary of State”;
- (e) in paragraph 4—
 - (i) for “Each Member State” substitute “The Secretary of State”;
 - (ii) for “their national register” substitute “the UK national register”;
 - (iii) omit the second sentence.

F1 Words in Sch. 28 para. 60(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(16)(d)**

Commencement Information

I6 Sch. 28 para. 60 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 Article 7

61. In Article 7 (procedure for assignment of the unique code of the manufacturer to a manufacturer established in a third country)—

- (a) in the heading and in paragraph 1, for “in a third country” substitute “outside of the United Kingdom”;
- (b) in paragraph 1—
 - (i) for “Union” substitute “United Kingdom”;
 - (ii) for “a language which can be easily understood by the authority where the application is introduced as determined by the authority” substitute “English”;
 - (iii) for “national authority” to the end substitute “UK national body or, if none is designated, the Secretary of State”;
- (c) in paragraph 2—
 - (i) after “a document” insert “in English”;
 - (ii) for “that the manufacturer is established” to the end substitute “in which country the manufacturer is established”;
- (d) in paragraph 3—

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- (i) for “national authority or the national body of the Member State” substitute “ UK national body or, if none is designated, the Secretary of State ”;
- (ii) for “third country register” substitute “ UK third country register ”;
- (iii) omit “to any Member State”;
- (e) omit paragraph 4;
- (f) in paragraph 5—
 - (i) for “national authority or national body” substitute “ UK national body or, if none is designated, the Secretary of State ”;
 - (ii) omit the second sentence;
- (g) for paragraph 6 substitute—

“6. When assigning the unique code of the manufacturer to a manufacturer established outside of the United Kingdom, the UK national body or, if none is designated, the Secretary of State shall register that code and the name and address of the manufacturer in the UK third country register.”.

Commencement Information

I7 Sch. 28 para. 61 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 Article 8

- 62.** In Article 8 (procedure in case of post-construction assessment)—
- (a) in paragraph 1—
 - (i) for “Articles 19 and 23 of Directive 2013/53/EU” substitute “ regulations 42, 43 and 48 of the Recreational Craft Regulations 2017 ”;
 - (ii) for “notified” in the first place in which it occurs, substitute “ approved ”;
 - (iii) for “his” substitute “ its ”;
 - (iv) for “national authority of the Member State where the notified body is established” substitute “ Secretary of State ”;
 - (b) in paragraph 2 for “notified” substitute “ approved ” in both places in which it occurs.

Commencement Information

I8 Sch. 28 para. 62 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 Article 9

- 63.** Omit Article 9 (fees).

Commencement Information

I9 Sch. 28 para. 63 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 Article 9A

64. After Article 9 (fees) insert—

“Article 9A

Transitional provision in relation to EU exit

1. In this Article, “pre-exit period” means the period beginning with 24 January 2017 and ending immediately before exit day.

2. Where during the pre-exit period—

- (a) a manufacturer has submitted an application to the national body of the United Kingdom for the assignment of the unique code of the manufacturer, in accordance with Article 6 as it had effect immediately before exit day; but
- (b) the unique code of the manufacturer has not been assigned,

that application is to be treated as having been submitted under Article 6 as it has effect on and after exit day.

[^{F2}3. Where during the pre-exit period the national body of the United Kingdom has assigned the unique code for a manufacturer, in accordance with Article 4 as it had effect immediately before IP completion day, that unique code is to be treated as if it were issued by the UK national body (or, if none is designated, the Secretary of State) in accordance with Article 4 as it has effect on and after IP completion day.”].

F2 Words in Sch. 28 para. 64 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), **16(b)** (as amended by S.I. 2020/852, regs. 2(1), 5, **Sch. 2 para. 1(b)**); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

I10 Sch. 28 para. 64 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 Chapter 4

65. Omit Chapter 4 (final provisions).

Commencement Information

I11 Sch. 28 para. 65 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

I12 Sch. 28 para. 65 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

66. Omit—

- (a) the words “This Regulation shall be binding” to the end;
- (b) “Done at Brussels, 3 January 2017”;
- (c) the signatory text.

Changes to legislation: There are currently no known outstanding effects for the The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, PART 2. (See end of Document for details)

Commencement Information

I13 Sch. 28 para. 66 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, PART 2.