

SCHEDULE 33

Amendment of Regulation (EC) No 765/2008

Amendments to Chapter 2

5. For Article 4 substitute—

“Article 4

UK national accreditation body

1. The Secretary of State must by regulations appoint a single UK national accreditation body.

2. The appointment of the UK national accreditation body under regulation 3 of the Accreditation Regulations 2009⁽¹⁾ is to be treated on and after exit day as having been made in pursuance of the duty on the Secretary of State to appoint a UK national accreditation body set out in paragraph 1.

3. The UK national accreditation body must perform its functions in accordance with the provisions of this Chapter.

4. Regulations made under this Article may—

- (a) terminate the appointment of a UK national accreditation body; and
- (b) appoint a different body as the UK national accreditation body

where the Secretary of State considers that a UK national accreditation body is not performing its functions in accordance with this Chapter.

5. Regulations made under this Article must establish procedures for the resolution of appeals against accreditation decisions made by the appointed UK national accreditation body.

6. Regulation 5 of the Accreditation Regulations 2009 is to be treated as meeting the requirements of paragraph 5.

7. The UK national accreditation body must operate on a not-for-profit basis.

8. The UK national accreditation body must not—

- (a) offer or provide any activities or services that are provided by conformity assessment bodies,
- (b) provide consultancy services; and
- (c) own shares in, or otherwise have any financial or managerial interest in, a conformity assessment body.

9. The UK national accreditation body must establish and maintain appropriate structures to ensure—

- (a) consultation on its activities with interested parties; and
- (b) responses of interested parties to consultation are adequately taken into account.

10. The Secretary of State must ensure that the UK national accreditation body has the appropriate financial and personnel resources for the proper fulfilment of its tasks, including—

(1) S.I. 2009/3155.

Status: This is the original version (as it was originally made).

- (a) the fulfilment of special tasks such as activities related to international accreditation cooperation; and
- (b) activities that are required to support public policy and which are not self-financing.

11. Regulations made under this Article must be made by statutory instrument.

12. Regulations made under this Article may make such transitional, transitory or saving provision as the Secretary of State considers appropriate.

13. A statutory instrument containing regulations made under this Article is subject to annulment in pursuance of a resolution of either House of Parliament.”.