

## SCHEDULE 4

Regulation 5

### Amendment to the Supply of Machinery (Safety) Regulations 2008

1. The Supply of Machinery (Safety) Regulations 2008 are amended in accordance with paragraphs 2 to 7.

#### **Amendment to Part 1**

2.—(1) In regulation 2—

(a) in paragraph (1)(b) after “EEA” insert “and Northern Ireland”;

(b) in paragraph (2)—

(i) in the following definitions, for “an EEA” substitute “a relevant”—

(aa) “authorised representative”;

(bb) “manufacturer”;

(cc) “notified body”, in paragraph (c)(ii);

(ii) after the definition of “manufacturer” insert—

““NI Protocol obligation” means any obligation created or arising by or under the Protocol on Ireland/ Northern Ireland in the EU withdrawal agreement, whether or not an obligation to which section 7A(2) of the European Union (Withdrawal) Act 2018 applies;”;

(iii) in the definition of “notified body”, in paragraph (b), for “EEA” substitute “relevant” (twice);

(iv) after the definition of “put into service” insert—

““relevant market” means—

(a) the market of Northern Ireland; and

(b) the markets of the EEA states;”;

(v) after the definition of “relevant nuclear site” insert—

““relevant state” means—

(a) Northern Ireland; or

(b) any EEA state;”.

(2) In regulation 3—

(a) in the heading for “EEA” substitute “relevant market”;

(b) in paragraph (1), for “an EEA” substitute “a relevant” (twice);

(c) in paragraph (2)(a)(i) and (iii) for “an EEA” substitute “a relevant”;

(d) for paragraph 2(a)(ii) substitute—

“(ii) is imported into the relevant market for re-export to a market outside of the relevant market;”.

#### **Amendment to Part 2**

3. For regulation 5 substitute—

*Status: This is the original version (as it was originally made).*

**“Disapplication where more specific safety obligations apply**

5.—(1) These Regulations do not apply to a product if, or to the extent that, paragraph (2) applies.

(2) This paragraph applies where any NI Protocol obligation, other than any obligation in relation to the Directive, applies to the product and makes more specific provision than the Directive in connection with the hazards referred to in Annex I (Part 1 of Schedule 2).”.

**Amendment to Part 4**

4. In regulation 14—
  - (a) for “EU Directive” substitute “NI Protocol obligation”;
  - (b) for “other Directive” substitute “other NI Protocol obligation” (five times).

**Amendment to Part 5**

5. In regulation 16 for “EEA” substitute “relevant” (twice).

**Amendment to Part 7**

6. In regulation 29(2) for “member” substitute “relevant”.

**Amendment to Schedule 2**

7. In Schedule 2—
  - (a) in Part 1, in paragraph 1.7.1 and 1.7.4 for “EEA state” substitute “relevant state”;
  - (b) in Part 2 for “an EEA” substitute “a relevant” (twice);
  - (c) in Part 7—
    - (i) for “other EEA” substitute “other relevant” (three times);
    - (ii) for “an EEA” substitute “a relevant” (twice);
  - (d) in Part 9, in paragraph 8 for “EEA” substitute “relevant”.