

2020 No. 676

EXITING THE EUROPEAN UNION

CONSUMER PROTECTION

ELECTROMAGNETIC COMPATIBILITY

ENVIRONMENTAL PROTECTION

HALLMARK

HEALTH AND SAFETY

MARKET STANDARDS

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WEIGHTS AND MEASURES

**The Product Safety and Metrology etc. (Amendment to Extent
and Meaning of Market) (EU Exit) Regulations 2020**

Made - - - - at 11.50 a.m. on 2nd July 2020

Laid before Parliament at 14.15 p.m. on 2nd July 2020

Coming into force in accordance with regulation 1(1)

The Secretary of State makes the following Regulations in exercise of powers conferred by section 8C(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(a).

(a) 2018 c. 16; section 8C was inserted by section 21 of the European Union (Withdrawal Agreement) Act 2020 (c. 1); paragraph 21 of Schedule 7 was amended by section 41(4) and Schedule 5, paragraph 53(2) of the 2020 Act; there are other amendments not relevant to these Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Product Safety and Metrology etc. (Amendment to Extent and Meaning of Market) (EU Exit) Regulations 2020 and come into force immediately before IP completion day.

(2) In these Regulations “the 2019 Regulations” means the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019(a).

Amendment to extent of 2019 Regulations

2.—(1) For regulation 2 of the 2019 Regulations substitute—

“2. Subject to regulation 3, these Regulations extend to England and Wales and Scotland only.”.

(2) For regulation 3 of the 2019 Regulations substitute—

“Provisions that extend to the United Kingdom

3. The following provisions extend to the United Kingdom—

- (a) Part 1;
- (b) regulation 4 and Schedule 1;
- (c) Part 5 and its related schedules, except—
 - (i) paragraphs 29 to 40 of Schedule 34 (cosmetic product enforcement);
 - (ii) paragraphs 1 and 2 of Schedule 35 (personal protective equipment enforcement);
 - (iii) paragraph 1 of Schedule 36 (gas appliances enforcement);
- (d) Part 6 and its related schedule.”.

Omission of Part 4 of the 2019 Regulations (amendment of subordinate legislation relating to Northern Ireland)

3. Omit Part 4 of the 2019 Regulations.

Amendments to definition of the market

4.—(1) The 2019 Regulations are amended as follows.

(2) In Schedule 9 (general product safety), in paragraph 2(c), in the inserted definition of “the market” for “United Kingdom market” substitute “market of Great Britain”.

(3) In Schedule 12 (machinery), in paragraph 4—

- (a) for paragraph 4(a), substitute—

“(a) in the heading for “the EEA” substitute “Great Britain”;;
- (b) in paragraph 4(b) for “the United Kingdom” substitute “Great Britain”.

(4) In Schedule 15 (toys)—

- (a) for paragraph 4(h), substitute—

“(h) in the definition of “make available on the market” for “EU market” substitute “market of Great Britain”;;
- (b) for paragraph 4(k), substitute—

“(k) in the definition of “place on the market” for “EU market” substitute “market of Great Britain”;;

(a) S.I. 2019/696, amended by S.I. 2019/1246.

- (5) In Schedule 16 (explosives)—
- (a) for paragraph 2(2)(m) substitute—
“(m)in the definition of “making available on the market” for “in an EEA state” substitute “of Great Britain”;”;
 - (b) for paragraph 2(2)(o) substitute—
“(o) in the definition of “place on the market” for “in an EEA state” substitute “of Great Britain;”;
- (6) In Schedule 17 (weights and measures revocation) in both places in which it occurs, for “the United Kingdom” substitute “Great Britain”.
- (7) In Schedule 19 (pyrotechnic articles)—
- (a) for paragraph 2(2)(k) substitute—
“(k) in the definition of “make available on the market” for “EU market” substitute “market of Great Britain”;”;
 - (b) for paragraph 2(2)(n) substitute—
“(n) in the definition of “place on the market” for “EU market” substitute “market of Great Britain;”;
- (8) In Schedule 20 (electromagnetic compatibility)—
- (a) for paragraph 2(2)(m) substitute—
“(m)in the definition of “make available on the market” for “EU market” substitute “market of Great Britain”;”;
 - (b) for paragraph 2(2)(q) substitute—
“(q) in the definition of “place on the market” for “EU market” substitute “market of Great Britain;”;
- (9) In Schedule 21 (simple pressure vessels)—
- (a) for paragraph 2(2)(k) substitute—
“(k) in the definition of “make available on the market” for “EU market” substitute “market of Great Britain”;”;
 - (b) for paragraph 2(2)(o) substitute—
“(o) in the definition of “place on the market” for “EU market” substitute “market of Great Britain;”;
- (10) In Schedule 22 (lifts)—
- (a) for paragraph 2(2)(n) substitute—
“(n) in the definition of “make available on the market” for “EU market” substitute “market of Great Britain”;”;
 - (b) for paragraph 2(2)(r) substitute—
“(r) in the definition of “place on the market” for “EU market” substitute “market of Great Britain” in both places in which it occurs;”;
- (11) In Schedule 23 (electrical equipment)—
- (a) for paragraph 2(2)(i) substitute—
“(i) in the definition of “making available on the market” for “EU market” substitute “market of Great Britain”;”;
 - (b) for paragraph 2(2)(k) substitute—
“(k) in the definition of “place on the market” for “EU market” substitute “market of Great Britain;”;
- (12) In Schedule 24 (pressure equipment)—
- (a) for paragraph 2(2)(m) substitute—

- “(m)in the definition of “make available on the market” for “EU market” substitute “market of Great Britain”;;”;
 - (b) for paragraph 2(2)(p) substitute—
 - “(p) in the definition of “place on the market” for “EU market” substitute “market of Great Britain”;;”.
- (13) In Schedule 25 (equipment etc. for use in potentially explosive atmospheres)—
 - (a) for paragraph 2(2)(q) substitute—
 - “(q) in the definition of “make available on the market” for “EU market” substitute “market of Great Britain”;;”;
 - (b) for paragraph 2(2)(u) substitute—
 - “(u) in the definition of “place on the market” for “EU market” substitute “market of Great Britain”;;”.
- (14) In Schedule 26 (non-automatic weighing instruments)—
 - (a) for paragraph 2(2)(n) substitute—
 - “(n) in the definition of “make available on the market” for “European Economic Area market” substitute “market of Great Britain”;;”;
 - (b) for paragraph 2(2)(r) substitute—
 - “(r) in the definition of “place on the market” for “in the European Economic Area” substitute “of Great Britain”;;”.
- (15) In Schedule 27 (measuring instruments)—
 - (a) for paragraph 2(2)(t)(ii) substitute—
 - “(ii) for “the European Economic Area market” substitute “market of Great Britain”;;”;
 - (b) for paragraph 2(2)(bb)(ii) substitute—
 - “(ii) for “, in the European Economic Area” substitute “of Great Britain”;;”.
- (16) In Schedule 28 (recreational craft)—
 - (a) for paragraph 2(2)(o) substitute—
 - “(o) in the definition of “making available on the market” for “EU market” substitute “market of Great Britain”;;”;
 - (b) for paragraph 2(2)(r) substitute—
 - “(r) in the definition of “placing on the market” for “EU market” substitute “market of Great Britain”;;”;
 - (c) for paragraph 2(2)(t) substitute—
 - “(t) in the definition of “putting into service” for “EU market” substitute “market of Great Britain”;;”;
 - (d) in paragraph 60, in the substituted Article 6(1) for “United Kingdom market” substitute “market of Great Britain”.
- (17) In Schedule 29 (radio equipment)—
 - (a) for paragraph 2(2)(p) substitute—
 - “(p) in the definition of “make available on the market” for “EU market” substitute “market of Great Britain”;;”;
 - (b) for paragraph 2(2)(t) substitute—
 - “(t) in the definition of “place on the market” for “EU market” substitute “market of Great Britain”;;”;
 - (c) for paragraph 2(2)(u) substitute—
 - “(u) in the definition of “put into service” for “the EU” substitute “Great Britain”;;”.

At 11.50 a.m. on 2nd July 2020

Paul Scully
Parliamentary Under Secretary of State
Department for Business, Energy and Industrial Strategy

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 696/2019) (“the 2019 Regulations”), which amended a number of pieces of legislation to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

The 2019 Regulations amend various pieces of legislation that implement EU law on a UK-wide basis. The amendments made in the 2019 Regulations to these pieces of legislation also extend to the whole United Kingdom. The Protocol on Ireland / Northern Ireland in the withdrawal agreement requires that the EU legislation listed in Annex 2 to that Protocol is implemented in Northern Ireland. Regulation 2 of these Regulations therefore amends the extent of the 2019 Regulations so that the majority of the amendments made in the 2019 Regulations only extend to Great Britain, with the exception of those that amend the Hallmarking Act 1973 and those that amend or revoke retained direct EU legislation. The legislation amended by the 2019 Regulations as regards Great Britain will therefore stay as it is in respect of Northern Ireland, thereby implementing the legislation listed in Annex 2 to the Protocol.

Regulation 3 omits Part 4 of the 2019 Regulations. Part 4 amends legislation relating to Northern Ireland, to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union. Again the Protocol requires that the EU legislation that is implemented by the legislation that was amended by Part 4 continues to be implemented in Northern Ireland.

Regulation 4 amends the 2019 Regulations to amend definitions of “the market” in various pieces of legislation as they apply in Great Britain to make clear that the market to which the amendments relate is the market of Great Britain, rather than the market of the United Kingdom.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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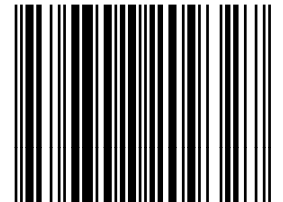
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