

**2021 No. 1273**

**EXITING THE EUROPEAN UNION**

**CONSUMER PROTECTION**

**ELECTROMAGNETIC COMPATIBILITY**

**ENERGY CONSERVATION**

**ENVIRONMENTAL PROTECTION**

**HEALTH AND SAFETY**

**TELECOMMUNICATIONS**

**WEIGHTS AND MEASURES**

The Product Safety and Metrology etc. (Amendment)  
Regulations 2021

<i>Sift requirements satisfied</i>	<i>2nd November 2021</i>
<i>Made - - - -</i>	<i>15th November 2021</i>
<i>Laid before Parliament</i>	<i>17th November 2021</i>
<i>Coming into force - -</i>	<i>9th December 2021</i>

The Secretary of State, in exercise of the powers conferred by sections 8(1) and 8C(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018<sup>(a)</sup>, and, in relation to regulation 13, in exercise of powers conferred by regulation 18C(1) and (2)(a) of the Radio Equipment Regulations 2017<sup>(b)</sup>, makes the following Regulations.

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- (a) 2018 c. 16. Section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1); section 8C was inserted by section 21 of that Act and further amended by section 55(3) of the United Kingdom Internal Market Act 2020 (c. 27); and paragraph 21 of Schedule 7 was amended by section 41(4) of and paragraph 53 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1).
- (b) S.I. 2017/1206; they were made under section 2(2) of the European Communities Act 1972 (c. 68) and are accordingly saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018; relevant amending instruments are, in respect of England and Wales and Scotland, S.I. 2019/696 and in respect of Northern Ireland, S.I. 2020/1112 and S.I. 2020/1460.

The requirements of paragraph 3(2) of Schedule 7 of the European Union (Withdrawal) Act 2018 relating to the appropriate Parliamentary procedure for these regulations have been satisfied.

## PART 1

### Introduction

#### **Citation and Commencement**

1. These Regulations may be cited as the Product Safety and Metrology etc. (Amendment) Regulations 2021 and come into force on 9th December 2021.

#### **Extent**

2. This Part and Part 2 extend to England and Wales, Scotland and Northern Ireland.
3. Part 3 extends to England and Wales and Scotland.
4. Part 4 extends to Northern Ireland only.

## PART 2

### Provisions in respect of England and Wales, Scotland and Northern Ireland

#### **Amendment to the Non-automatic Weighing Instruments Regulations 2016**

- 5.—(1) The Non-Automatic Weighing Instruments Regulations 2016(a) are amended as follows.
- (2) In regulation 2(1) (interpretation)—
- (a) for the definition of “disqualification mark” substitute—  
““disqualification mark” means a marking in the form set out in paragraph 1 of Schedule A1;”;
  - (b) for the definition of “re-qualification mark” substitute—  
““re-qualification mark” means a marking in the form set out in paragraph 2 of Schedule A1;”.
- (3) After regulation 67(6) (disqualification), insert—  
“(6A) A disqualification mark may be affixed to a regulated non-automatic weighing instrument by affixing to the instrument a label which clearly, legibly and indelibly bears the disqualification mark.”.
- (4) Before Schedule 1 insert—

### “SCHEDULE A1

Regulation 2(1)

### Disqualification and re-qualification marks

#### **Disqualification mark**

1. A disqualification mark must have the following form—

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(a) S.I. 2016/1152; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018; relevant amending instruments are, in respect of England and Wales and Scotland, S.I. 2019/696 and in respect of Northern Ireland, S.I. 2020/1112 and S.I. 2020/1460.



**Re-qualification mark**

2. A re-qualification mark must have the following form—



”

**Amendment to the Measuring Instruments Regulations 2016**

6.—(1) The Measuring Instruments Regulations 2016(a) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) for the definition of “disqualification mark” substitute—

““disqualification mark” means a marking in the form set out in paragraph 1 of Schedule A1;”;

(b) for the definition of “re-qualification mark” substitute—

““re-qualification mark” means a marking in the form set out in paragraph 2 of Schedule A1;”.

(3) After regulation 72(7) (disqualification), insert—

“(7A) A disqualification mark may be affixed to a relevant regulated measuring instrument by affixing to the instrument a label which clearly, legibly and indelibly bears the disqualification mark.”.

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(a) S.I. 2016/1153; they were made in part under section 2(2) of the European Communities Act 1972 and were saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018; relevant amending instruments are, in respect of England and Wales and Scotland, S.I. 2019/696 and in respect of Northern Ireland, S.I. 2020/1112 and S.I. 2020/1460.

(4) Before Schedule 1 insert—

“SCHEDULE A1  
Disqualification and re-qualification marks

Regulation 2(1)

**Disqualification mark**

1. A disqualification mark must have the following form—



**Re-qualification mark**

2. A re-qualification mark must have the following form—



”

PART 3

Provisions in respect of England and Wales and Scotland

**Extension of period after which transitory provisions cease to have effect**

7. In the provisions listed in Schedule 1, for “12 months” substitute “24 months”.
8. In the provisions listed in Schedule 2, for “24 months” substitute “36 months”.

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

9. In Part 2 (Annex II (Declarations)) of Schedule 2 to the Supply of Machinery (Safety) Regulations 2008(a), in Section 1, Part A, point 4 omit from “These references” to “Official Journal of the European Union”.

### **Amendment to the Pressure Equipment (Safety) Regulations 2016**

10. In Schedule 2 of the Pressure Equipment (Safety) Regulations 2016(b)—

- (a) in the following paragraphs for “notified” substitute “approved”—
  - (i) paragraph 6(2);
  - (ii) paragraph 31(5);
- (b) in paragraph 21(3)(a) for “a notified” substitute “an approved”.

### **Amendment to the Non-automatic Weighing Instruments Regulations 2016**

11.—(1) The Non-automatic Weighing Instruments Regulations 2016 are amended as follows.

(2) In regulation 4A (transitional provisions in relation to EU exit), at the end insert—

“(5) Where paragraph (6) applies to a regulated non-automatic weighing instrument, regulations 67 and 68 have effect subject to the modifications in paragraph (7).

(6) This paragraph applies to a regulated non-automatic weighing instrument that has been placed on the market—

- (a) during the pre-exit period; or
- (b) pursuant to Article 41 of the EU withdrawal agreement.

(7) The modifications referred to in paragraph (5) are that—

- (a) the reference in regulation 67(1)(a) to “UK marking” is to be read as a reference to the CE marking within the meaning of Article 2(19) of the Directive;
- (b) the reference in regulation 67(1)(b) to “M marking” is to be read as a reference to the supplementary metrology marking as described in Article 16(2) of the Directive;
- (c) the reference in regulation 67(1)(c) to “approved body” is to be read as a reference to the body that undertook any conformity assessment procedure in accordance with Article 13 of the Directive;
- (d) the references in regulations 67(2)(b) and 68(4)(b) to “type examination certificate” are to be read as references to an EU-type examination certificate, issued in accordance with the conformity assessment procedure set out in point 1 of Annex II to the Directive, known as “Module B”.

(3) In regulation 32A(8)(h), at the beginning insert “except in relation to regulation 68.”.

(4) In regulation 32C—

- (a) in paragraph (1), for “paragraph (2)” substitute “paragraphs (2) and (6)”;
- (b) in paragraph (3), for “paragraph (4)” substitute “paragraphs (4) and (6)”;
- (c) after paragraph (5), insert—

“(6) regulations 67 and 68 continue to have effect in relation to any non-automatic weighing instrument—

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(a) S.I. 2008/1597; they were made under section 2(2) of the European Communities Act 1972 and were saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018; they were amended, in respect of England and Wales and Scotland, by S.I. 2019/696; there are other amending instruments but none is relevant.

(b) S.I. 2016/1105; they were made in part under section 2(2) of the European Communities Act 1972 and were saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018; they were amended, in respect of England and Wales and Scotland, by S.I. 2019/696; there are other amending instruments but none is relevant.

- (a) placed on the market pursuant to 32A; or
  - (b) in relation to which a manufacturer has undertaken a conformity assessment procedure in accordance with regulation 32B,
- as if regulations 32A or 32B had not expired.”.
- (5) After regulation 32D(3), insert—
- “(3A) After a non-automatic weighing instrument has been placed on the market pursuant to this regulation, regulations 67 and 68 are to be read in relation to that instrument subject to the following modifications—
- (a) the reference in regulation 67(1)(a) to “UK marking” is to be read as a reference to the CE marking, within the meaning of regulation 2(1) as it applies in Northern Ireland;
  - (b) the reference in regulation 67(1)(b) to “M marking”, is to be read as a reference to the M Marking as defined in regulation 2(1), as it applies in Northern Ireland;
  - (c) the reference in regulation 67(1)(c) to “approved body” is to be read as a reference to a “notified body” as defined in regulation 2(1), as it applies in Northern Ireland;
  - (d) the references in regulations 67(2)(a) and 68(4)(a) to “essential requirements” are to be read as the essential requirements within the meaning of that term in regulation 2(1), as it applies in Northern Ireland; and
  - (e) the references in regulations 67(2)(b) and 68(4)(b) to “type examination certificate” is to be read as a reference to an EU-type examination certificate as defined in regulation 2(1), as it applies in Northern Ireland.”.
- (6) In regulation 68 (re-qualification)—
- (a) in paragraph (3)(c), for “a UK” substitute “an”;
  - (b) at the end, insert—
- “(9) Where a re-qualification mark is affixed to a regulated non-automatic weighing instrument pursuant to paragraph (4), it must be accompanied by—
- (a) the letters indicating the status of the requalification authority, as follows—
    - (i) “INS” if the requalification authority is an inspector;
    - (ii) “AV” if the requalification authority is an approved verifier;
    - (iii) “AB” if the requalification authority is an approved body for module F or F1 in Schedule 7; or
    - (iv) “AM” if the requalification authority is a manufacturer whose quality system has been approved by an approved body under module D or D1 of Schedule 7 for the purposes of re-qualification;
  - (b) the identification number of the requalification authority;
  - (c) the year of re-qualification in numerical form; and
  - (d) the letters “GB” or, where the instrument was placed on the market pursuant to regulation 32D (Qualifying Northern Ireland Goods), the letters “QNIG”.
- (10) In this regulation—
- (a) “identification number of the requalification authority” means—
    - (i) where the requalification authority is an inspector or approved verifier, the number used to identify them in connection with their approval by or under section 11 of the Weights and Measures Act 1985 (certain equipment to be passed and stamped by inspector);
    - (ii) where the requalification authority is an approved body, the identification number assigned to it pursuant to regulation 53(1)(a);
    - (iii) where the requalification authority is a manufacturer whose quality system has been approved by an approved body under module D or D1 of Schedule 7

- for the purposes of re-qualification, the requalification authority identification number assigned to it by the Secretary of State;
- (b) the re-qualification mark and the information accompanying it required by paragraph (9) may be affixed to a regulated non-automatic weighing instrument by affixing to the instrument a label which clearly, legibly and indelibly bears the re-qualification mark and that accompanying information.”.

### **Amendment to the Measuring Instruments Regulations 2016**

**12.**—(1) The Measuring Instruments Regulations 2016 are amended as follows.

(2) In regulation 33A(8)(c), at the beginning insert “except in relation to regulations 72 and 73,”.

(3) In regulation 33C—

- (a) in paragraph (1), for “paragraph (2)” substitute “paragraphs (2) and (6)”;
- (b) in paragraph (3), for “paragraph (4)” substitute “paragraphs (4) and (6)”;
- (c) After paragraph (5), insert—

“(6) Regulations 72 and 73 continue to have effect in relation to any regulated measuring instrument—

- (a) placed on the market pursuant to 33A; or
  - (b) in relation to which a manufacturer has undertaken a conformity assessment procedure in accordance with regulation 33B,
- as if regulations 32A or 33B had not expired.”.

(4) After regulation 33D(3), insert—

“(3A) After a regulated measuring instrument has been placed on the market pursuant to this regulation, regulations 72 and 73 are to be read in relation to that instrument subject to the following modifications—

- (a) the reference in regulation 72(2)(a) to “UK marking” is to be read as a reference to the CE marking, within the meaning of regulation 2(1) as it applies in Northern Ireland;
- (b) the reference in regulation 72(2)(b) to “M marking”, is to be read as a reference to the M Marking as defined in regulation 2(1) as it applies in Northern Ireland;
- (c) the reference in regulation 72(2)(c) to “approved body” is to be read as a reference to a “notified body” as defined in regulation 2(1) as it applies in Northern Ireland;
- (d) the references in regulations 72(3)(a) and 73(3)(a) to “essential requirements” are to be read as the essential requirements within the meaning of that term in regulation 2(1) as it applies in Northern Ireland; and
- (e) the references in regulations 72(3)(b) and 73(3)(b) to “type examination certificate” is to be read as a reference to an EU-type examination certificate as defined in regulation 2(1) as it applies in Northern Ireland.”.

(5) In regulation 73 (re-qualification), at the end insert—

“(8) Where a re-qualification mark is affixed to a regulated measuring instrument pursuant to paragraph (3), it must be accompanied by—

- (a) the letters indicating the status of the requalification authority, as follows—
  - (i) “INS” if the requalification authority is an inspector;
  - (ii) “AV” if the requalification authority is an approved verifier;
- (b) the number used to identify the inspector or approved verifier in connection with their approval by or under section 11 of the Weights and Measures Act 1985 (certain equipment to be passed and stamped by inspector);
- (c) the year of re-qualification in numerical form; and

(d) the letters “GB” or, where the instrument was placed on the market pursuant to regulation 33D (Qualifying Northern Ireland Goods), the letters “QNIG”.

(9) The re-qualification mark and the information accompanying it required by paragraph (8) may be affixed to a relevant regulated measuring instrument by affixing to the instrument a label which clearly, legibly and indelibly bears the re-qualification mark and that accompanying information.”.

(6) In paragraph 2A of Schedule 3, at the end insert—

“(5) Where paragraph (6) applies to a regulated measuring instrument, regulations 72 and 73 have effect in relation to that instrument, subject to the modifications set out in paragraph (7).

(6) This paragraph applies to a regulated measuring instrument that has been placed on the market—

- (a) during the pre-exit period; or
- (b) pursuant to Article 41 of the EU withdrawal agreement.

(7) The modifications referred to in paragraph (5) are that—

- (a) the reference in regulation 72(2)(a) to “UK marking” is to be read as a reference to the CE marking within the meaning of Article 4(22) of the Directive;
- (b) the reference in regulation 72(2)(b) to “M marking” is to be read as a reference to the supplementary metrology marking as described in Article 21(2) of the Directive.
- (c) the reference in regulation 72(2)(c) to “approved body” is to be read as a reference to the body that undertook the conformity assessment procedure in accordance with Article 13 of the Directive;
- (d) the references in regulations 72(3)(b) and 73(3)(b) to “type examination certificate” are to be read as references to an “EU-type examination certificate” issued under the conformity assessment procedure set out under the heading “MODULE B: EU-TYPE EXAMINATION” in Annex II to the Directive; and
- (e) the references in regulations 72(3)(b) and 73(3)(b) to “design examination certificate” are to be read as references to an EU-design examination certificate issued in accordance with the conformity assessment procedure set out under the heading “MODULE H1: CONFORMITY BASED ON FULL QUALITY ASSURANCE PLUS DESIGN EXAMINATION” in Annex II to the Directive.”.

### **Amendments to the Radio Equipment Regulations 2017 and related amendments**

**13.**—(1) In regulation 14 (instructions and information to be included with the radio equipment) of the Radio Equipment Regulations 2017—

(a) for paragraph (1) substitute—

“(1) Where there are restrictions on putting into service or requirements for authorisation of use in the United Kingdom in respect of the radio equipment, a manufacturer must present information which identifies the types of restrictions on putting into service or requirements for authorisation of use that apply.”;

(b) in paragraph (2)(b) omit “subject to paragraph (3),”;

(c) omit paragraph (3).

(2) Commission Implementing Regulation (EU) 2017/1354 specifying how to present the information provided for in Article 10(10) of Directive 2014/53/EU of the European Parliament and the Council<sup>(a)</sup> is amended as follows—

(a) omit Article 2(1);

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(a) EUR 2017/1354, as amended by S.I. 2019/696.



- (b) in Article 2(2) omit from “; the geographical area” to “as well as”;
- (c) omit Annex 1.

## PART 4

### Provisions in respect of Northern Ireland

#### **Amendment to the Non-Automatic Weighing Instruments Regulations 2016**

**14.** In regulation 68 (re-qualification) of the Non-automatic Weighing Instruments Regulations 2016, at the end, insert—

“(9) Where a re-qualification mark is affixed to a regulated non-automatic weighing instrument pursuant to paragraph (4), it must be accompanied by—

- (a) the letters indicating the status of the requalification authority, as follows—
  - (i) “INS” if the requalification authority is an inspector;
  - (ii) “AV” if the requalification authority is an approved verifier;
  - (iii) “NB” if the requalification authority is a UK approved notified body for module F or F1 in Annex II to the Directive; or
  - (iv) “AM” if the requalification authority is a manufacturer whose quality system has been approved by a UK notified body under module D or D1 of Annex II to the Directive for the purposes of re-qualification;
- (b) the identification number of the requalification authority;
- (c) the year of re-qualification in numerical form; and
- (d) the letters “NI”.

(10) In this regulation—

- (a) “identification number of the requalification authority” means—
  - (i) where the requalification authority is an inspector or approved verifier, the number used to identify them in connection with their approval by or under article 9 of the Weights and Measures (Northern Ireland) Order 1981 (weighing or measuring equipment for use for trade);
  - (ii) where the requalification authority is a UK approved notified body, the identification number referred to in regulation 45B(1)(a);
  - (iii) where the requalification authority is a manufacturer whose quality system has been approved by a UK notified body under module D or D1 of Annex II to the Directive for the purposes of re-qualification, the requalification authority identification number assigned to it by the Secretary of State;
- (b) the re-qualification mark and the information accompanying it required by paragraph (9), may be affixed to a regulated non-automatic weighing instrument by affixing to the instrument a label which clearly, legibly and indelibly bears the re-qualification mark and that accompanying information.”.

#### **Amendment to the Measuring Instruments Regulations 2016**

**15.** In regulation 73 (re-qualification) of the Measuring Instruments Regulations 2016 at the end insert—

“(8) Where a re-qualification mark is affixed to a regulated measuring instrument pursuant to paragraph (3), it must be accompanied by—

- (a) the letters indicating the status of the requalification authority, as follows—
  - (i) “INS” if the requalification authority is an inspector;
  - (ii) “AV” if the requalification authority is an approved verifier;

- (b) the number used to identify the inspector or approved verifier in connection with their approval by or under article 9 of the Weights and Measures (Northern Ireland) Order 1981 (weighing or measuring equipment for use for trade);
- (c) the year of re-qualification in numerical form; and
- (d) the letters “NI”.

(9) The re-qualification mark and the information accompanying it required by paragraph (8), may be affixed to a relevant regulated measuring instrument by affixing to the instrument a label which clearly, legibly and indelibly bears the re-qualification mark and that accompanying information.”.

### **Amendment to regulation 19 of the Radio Equipment Regulations 2017**

**16.** In regulation 19 (authorised representatives) of the Radio Equipment Regulations 2017 omit paragraph (4)(c).

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

15th November 2021

## SCHEDULE 1

Regulation 7

The provisions referred to in regulation 7 are as follows—

- (a) regulation 7B(1) of the Measuring Container Bottle (EEC Requirements) Regulations 1977(a);
- (b) regulation 12B(1) of the Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001(b);
- (c) regulation 12B(1) of the Supply of Machinery (Safety) Regulations 2008;
- (d) regulation 5A(3)(aa) of the Aerosol Dispensers Regulations 2009(c);
- (e) regulation 20C(1) of the Ecodesign for Energy-Related Products Regulations 2010(d);
- (f) regulation 39AA(1) of the Toys (Safety) Regulations 2011(e);
- (g) regulation 34B(1) of the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012(f);

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- (a) S.I. 1977/932; they were made under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018; they were amended, in respect of England and Wales and Scotland, by S.I. 2019/696; there are other amending instruments but none is relevant.
  - (b) S.I. 2001/1701; they were made under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018; they were amended, in respect of England and Wales and Scotland, by S.I. 2019/696; there are other amending instruments but none is relevant.
  - (c) S.I. 2009/2824; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018; they were amended, in respect of England and Wales and Scotland, by S.I. 2019/696; there are other amending instruments but none is relevant.
  - (d) S.I. 2010/2617; they were made under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018; they were amended, in respect of England and Wales and Scotland, by S.I. 2019/539; there are other amending instruments but none is relevant.
  - (e) S.I. 2011/1881; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018; they were amended, in respect of England and Wales and Scotland, by S.I. 2019/696; there are other amending instruments but none is relevant.
  - (f) S.I. 2012/3032; they were made under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018; relevant amending instruments are S.I. 2019/188 and S.I. 2020/1647.

- (h) regulation 64C(1) and (3) of the Explosives Regulations 2014(a);
- (i) regulation 38E(1) of the Pyrotechnic Articles (Safety) Regulations 2015(b);
- (j) regulation 38B(1) of the Electromagnetic Compatibility Regulations 2016(c);
- (k) regulation 38C(1) and (3) of the Simple Pressure Vessels (Safety) Regulations 2016(d);
- (l) regulation 45C(1) and (3) of the Lifts Regulations 2016(e);
- (m) regulation 34B(1) of the Electrical Equipment (Safety) Regulations 2016(f);
- (n) regulation 39C(1) and (3) of the Pressure Equipment (Safety) Regulations 2016(g);
- (o) regulation 36C(1) and (3) of the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016(h);
- (p) regulation 32C(1) and (3) of the Non-automatic Weighing Instruments Regulations 2016;
- (q) regulation 33C(1) and (3) of the Measuring Instruments Regulations 2016;
- (r) regulation 40C(1) and (3) of the Recreational Craft Regulations 2017(i);
- (s) regulation 36B(1) of the Radio Equipment Regulations 2017;
- (t) regulation 2C(1) and (3) of the Personal Protective Equipment (Enforcement) Regulations 2018(j);
- (u) regulation 2C(1) and (3) of Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018(k).

## SCHEDULE 2

Regulation 8

The provisions referred to in regulation 8 are as follows—

- (a) regulation 5(2A) of the Measuring Container Bottles (EEC Requirements) Regulations 1977;

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- (a) S.I. 2014/1638; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018; they were amended, in respect of England and Wales and Scotland, by S.I. 2019/696; there are other amending instruments but none is relevant.
  - (b) S.I. 2015/1553; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018; they were amended, in respect of England and Wales and Scotland, by S.I. 2019/696; there are other amending instruments but none is relevant.
  - (c) S.I. 2016/1091; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018; they were amended, in respect of England and Wales and Scotland, by S.I. 2019/696; there are other amending instruments but none is relevant.
  - (d) S.I. 2016/1092; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018; they were amended, in respect of England and Wales and Scotland, by S.I. 2019/696; there are other amending instruments but none is relevant.
  - (e) S.I. 2016/1093; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018; they were amended, in respect of England and Wales and Scotland, by S.I. 2019/696; there are other amending instruments but none is relevant.
  - (f) S.I. 2016/1101; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018; they were amended, in respect of England and Wales and Scotland, by S.I. 2019/696; there are other amending instruments but none is relevant.
  - (g) S.I. 2016/1105; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018; they were amended, in respect of England and Wales and Scotland, by S.I. 2019/696; there are other amending instruments but none is relevant.
  - (h) S.I. 2016/1107; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018; they were amended, in respect of England and Wales and Scotland, by S.I. 2019/696; there are other amending instruments but none is relevant.
  - (i) S.I. 2017/737; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018; they were amended, in respect of England and Wales and Scotland, by S.I. 2019/696; there are other amending instruments but none is relevant.
  - (j) S.I. 2018/390; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018; they were amended, in respect of England and Wales and Scotland, by S.I. 2019/696; there are other amending instruments but none is relevant.
  - (k) S.I. 2018/389; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018; they were amended, in respect of England and Wales and Scotland, by S.I. 2019/696; there are other amending instruments but none is relevant.

- (b) regulation 7(2B) of the Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001;
- (c) regulation 7(2A) of the Supply of Machinery (Safety) Regulations 2008;
- (d) regulation 3(1A) of the Aerosol Dispensers Regulations 2009;
- (e) regulation 18(3A) of the Toys (Safety) Regulations 2011;
- (f) regulation 16(2A) of the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012;
- (g) regulation 68(1A) of the Explosives Regulations 2014;
- (h) regulation 42(1A) of the Pyrotechnic Articles (Safety) Regulations 2015;
- (i) regulation 42(1A) of the Electromagnetic Compatibility Regulations 2016;
- (j) regulation 6(1A) of the Simple Pressure Vessels (Safety) Regulations 2016;
- (k) regulation 50(1A) of the Lifts Regulations 2016;
- (l) regulation 39(1A) of the Electrical Equipment (Safety) Regulations 2016;
- (m) regulation 49(1A) of the Pressure Equipment (Safety) Regulations 2016;
- (n) regulation 41(1A) of the Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016;
- (o) regulation 6(2) of the Non-automatic Weighing Instruments Regulations 2016;
- (p) regulation 7(2) of the Measuring Instruments Regulations 2016;
- (q) regulation 54(1A) of the Recreational Craft Regulations 2017;
- (r) regulation 44(1A) and (2A) of the Radio Equipment Regulations 2017;
- (s) Article 17(1A) of Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council Directive 89/686/EEC(a);
- (t) Article 17(1A) of Regulation (EU) 2016/426 of the European Parliament and of the Council on appliances burning gaseous fuels and repealing Directive 2009/142/EC(b).

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made in part in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular paragraphs (a), (d), (e), (ea) and (g) of section 8(2) of that Act) arising from the withdrawal of the United Kingdom from the European Union.

Part 2 extends to the whole of the United Kingdom and amends the Non-automatic Weighing Instruments Regulations 2016 (“NAWI”) and the Measuring Instruments Regulations 2016 (“MIR”), to amend the definitions of “disqualification mark” and “re-qualification mark” in each of those Regulations and inserts a schedule into both setting out the form of both marks.

Part 3 of these Regulations extends to England and Wales and Scotland only. Regulation 7 extends the period during which products meeting EU requirements may be lawfully placed on the market in Great Britain (which comprises England and Wales and Scotland), from 12 months from IP completion day to 24 months from IP completion day (that is, until 11pm on 31st December 2022). Regulation 8 extends the period during which conformity markings can be placed on a label affixed to, or a document accompanying the product, rather than the product itself, from 12 months to 24 months from IP completion day.

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(a) EUR 2016/425, as amended by S.I. 2019/696.

(b) EUR 2016/429, as amended by S.I. 2019/696.

Regulations 9 and 10 amend EU references in the Supply of Machinery Regulations 2008 and the Pressure Equipment Regulations 2016. Regulations 11 and 12 amend NAWI and MIR to clarify the manner in which the processes of disqualification and re-qualification apply to instruments complying with EU requirements lawfully placed on the market in Great Britain and also make provision for relevant information to accompany a re-qualification mark, such as the type of authority that applied the mark. Regulation 13 amends regulation 14 of the Radio Equipment Regulations 2017 to make clear that certain information only has to be in the instructions accompanying a product (and removes the requirement for information to be on the packaging as well); and amends the Commission Implementing Regulation which required a UK marking and pictogram as this is no longer applicable or relevant after exit from the European Union.

Part 4 of these Regulations extend to Northern Ireland only, where, pursuant to the Protocol on Ireland / Northern Ireland in the Withdrawal Agreement, EU requirements continue to apply in respect of non-automatic weighing and measuring instruments and radio equipment. Regulation 14 and 15 amend NAWI and MIR to make provision for relevant information to accompany a re-qualification mark, such as the type of authority that applied the mark. Regulation 16 amends regulation 19 of the Radio Equipment Regulations 2017 to reflect the provisions of the European Directive 2014/53/EU which this implements.

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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