
STATUTORY INSTRUMENTS

2017 No. 1206

The Radio Equipment Regulations 2017

PART 6

Miscellaneous

Review **E+W+S**

- 76.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of the regulatory provision contained in these Regulations, and
 - (b) publish a report setting out the conclusions of the review.
- (2) The first report must be published before the end of the period of 5 years beginning with the commencement date.
- (3) Subsequent reports must be published at intervals not exceeding 5 years.
- (4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015 ^{M1} requires that a review carried out under this regulation must, so far as is reasonable, have regard to how the Directive is implemented in other Member States.
- (5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph 1(a),
 - (b) assess the extent to which those objectives are achieved,
 - (c) assess whether those objectives remain appropriate, and
 - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.
- (6) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Marginal Citations

- M1** [2015 c.26](#). Section 30(3) was amended by the [Enterprise Act 2016 \(c.12\)](#), [section 19](#).

Review **N.I.**

- 76.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of the regulatory provision contained in these Regulations, and

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Changes to legislation: There are currently no known outstanding effects for the The Radio Equipment Regulations 2017, PART 6. (See end of Document for details)

- (b) publish a report setting out the conclusions of the review.
- (2) The first report must be published before the end of the period of 5 years beginning with the commencement date.
- (3) Subsequent reports must be published at intervals not exceeding 5 years.
- (4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015 ^{F5} requires that a review carried out under this regulation must, so far as is reasonable, have regard to how the Directive is implemented in other [^{F6}relevant states].
- (5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph 1(a),
 - (b) assess the extent to which those objectives are achieved,
 - (c) assess whether those objectives remain appropriate, and
 - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.
- (6) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Extent Information

- E4** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F5** 2015 c.26. Section 30(3) was amended by the [Enterprise Act 2016 \(c.12\)](#), [section 19](#).
- F6** Words in [reg. 76\(4\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 16 para. 7](#)

[^{F1}Transitional provision in relation to EU Exit

76A.—(1) In this regulation—

“pre-exit period” means the period beginning with the commencement date and ending immediately before IP completion day;

“product” means radio equipment to which these Regulations apply.

(2) Subject to paragraph (3), where a product was made available on the market during the pre-exit period, despite the amendments made by Schedule 29 of the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, any obligation to which a person was subject under these Regulations as they had effect immediately before IP completion day, continues to have effect as it did immediately before IP completion day, in relation to that product.

(3) Paragraph (2) does not apply to—

- (a) any obligation of any enforcing authority to inform the European Commission or the Member States of any matter; or
- (b) any obligation to take action outside of the market in respect of that product.

(4) Where during the pre-exit period—

- (a) a product has not been placed on the market; and

(b) a manufacturer has taken any action under regulation 41 as it had effect immediately before IP completion day in relation to that product,
that action has effect as if it had been done under regulation 41 as it has effect on and after IP completion day.]

Textual Amendments

F1 Reg. 76A inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 29 para. 44** (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/852, regs. 2(2), 4(2), Sch. 1 para. 1(r)(vi)); 2020 c. 1, Sch. 5 para. 1(1)

Transitional provision **E+W+S**

77. Nothing in these Regulations prevents the making available on the market of radio equipment which—

- (a) is in conformity with the requirements of [^{F2}the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000], and
- (b) is placed on the market on or before the commencement date.

Extent Information

E2 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F2 Words in [reg. 77\(a\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 29 para. 43(2)** (with [Sch. 29 para. 44](#)) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Transitional provision **N.I.**

77. Nothing in these Regulations prevents the making available on the market of radio equipment which—

- (a) is in conformity with the requirements of Directive [1999/5/EC](#) of the European Parliament and the Council on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity ^{F7}, and
- (b) is placed on the market on or before the commencement date.

Extent Information

E5 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F7 OJ L 91, 7.4.1999, p.10.

Status: Point in time view as at 31/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Radio Equipment Regulations 2017, PART 6. (See end of Document for details)

Revocations and savings **E+W+S**

78.—(1) Subject to paragraph (2), the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000 ^{M2} are revoked.

[^{F3}(2) The Regulations referred to in paragraph (1) continue to apply, as if they had not been revoked, to any equipment placed on the market in accordance with those Regulations before the commencement date, subject to the modifications made in paragraph (2A).]

[^{F4}(2A) The modifications referred to in paragraph (2) are as follows—

- (a) references to the Community are to be read as including the United Kingdom;
- (b) except where “Member State” first appears in regulation 14 (notified bodies), references to Member State are to be read as including the United Kingdom;
- (c) the references to European Union and EEA State in regulation 14 are both to be read as including the United Kingdom;
- (d) regulation 18A (duty of enforcement authority to inform Secretary of State of action taken), is to be read without the words “, with a view to this information being passed by her to the Commission.”;
- (e) Schedule 5 applies as if paragraph 6 were omitted.]

(3) In relation to radio equipment placed on the market before the commencement date, the amendments in regulations 79 and 80 do not apply.

Extent Information

E3 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F3** Reg. 78(2) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 29 para. 45(2)** (with Sch. 29 para. 44) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Reg. 78(2A) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 29 para. 45(3)** (with Sch. 29 para. 44) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

M2 [S.I. 2000/730](#); amended by [S.I. 2003/1903](#), [S.I. 2003/3144](#), [S.I. 2005/281](#), [S.I. 2015/1630](#) and [S.I. 2016/1101](#).

Revocations and savings **N.I.**

78.—(1) Subject to paragraph (2), the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000 ^{F8} are revoked.

(2) The Radio Equipment and Telecommunications Terminal Equipment Regulations 2000 continue to apply to any equipment placed on the market in accordance with those Regulations before the commencement date.

(3) In relation to radio equipment placed on the market before the commencement date, the amendments in regulations 79 and 80 do not apply.

Extent Information

E6 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F8 [S.I. 2000/730](#); amended by [S.I. 2003/1903](#), [S.I. 2003/3144](#), [S.I. 2005/281](#), [S.I. 2015/1630](#) and [S.I. 2016/1101](#).

Consequential and other amendments

79.—(1) The Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Specification) Order 2004 ^{M3} is amended as follows.

(2) In Schedule 1, for “Radio Equipment and Telecommunications Terminal Equipment Regulations 2000” substitute “Radio Equipment Regulations 2017”.

Marginal Citations

M3 [S.I. 2004/693](#) to which there are amendments not relevant to these Regulations.

80.—(1) The Consumer Rights Act 2015 ^{M4} is amended as follows.

(2) In paragraph 10 of Schedule 5—

(a) omit the entry “paragraph 1(1)(b) or (2)(b) or 2 of Schedule 9 to the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000 (SI 2000/730)”, and

(b) at the appropriate place insert—

“regulation 56(1)(a)(ii) or (b)(ii) or (2) of the Radio Equipment Regulations 2017 (S.I. 2017/1206)”.

Marginal Citations

M4 [2015 c.15](#).

81.—(1) The Electromagnetic Compatibility Regulations 2016 ^{M5} are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1), omit the definition of “notified body”, and

(b) after paragraph (4), insert—

“(5) In these Regulations (except Part 4 (notification of conformity assessment bodies) and Schedules 5 (requirements for notified bodies) and 6 (operational obligations of notified bodies)), “notified body” means—

(a) a notified body within the meaning set out in regulation 43 (notified bodies), or

(b) a notified body under the laws of any other Member State which implements the Directive.”.

(3) In regulation 52 (designation of enforcing authorities) omit paragraph (4).

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Changes to legislation: There are currently no known outstanding effects for the The Radio Equipment Regulations 2017, PART 6. (See end of Document for details)

Marginal Citations

M5 [S.I. 2016/1091](#).

- 82.**—(1) The Pressure Equipment (Safety) Regulations 2016 ^{M6} are amended as follows.
- (2) In regulation 2 (interpretation)—
- (a) in paragraph (1)—
- (i) for the definition of “authorised representative” substitute—
- ““authorised representative” means a person established within the EU appointed in accordance with regulation 19(1) (manufacturer's authorised representative);”,
- (ii) omit the definition of “notified body”, and
- (b) after paragraph (6), insert—
- “(7) In these Regulations (except Part 4 (notification of conformity assessment bodies) and Schedules 4 (notified body requirements) and 6 (operational obligations of notified bodies, recognised third party organisations and user inspectorates)), “notified body” means—
- (a) a notified body within the meaning set out in regulation 51 (notified bodies), or
- (b) a notified body under the laws of any other Member State which implement the Directive.”.

Marginal Citations

M6 [S.I. 2016/1105](#).

- 83.**—(1) The Simple Pressure Vessels (Safety) Regulations 2016 ^{M7} are amended as follows.
- (2) In regulation 2 (interpretation)—
- (a) in paragraph (4), omit the definition of “notified body”, and
- (b) after paragraph (6), insert—
- “(7) In these Regulations (except Part 4 (notification of conformity assessment bodies) and Schedule 4 (notified bodies)), “notified body” means—
- (a) a notified body within the meaning set out in regulation 45 (notified bodies), or
- (b) a notified body under the laws of any other Member State which implements the Directive.”.

Marginal Citations

M7 [S.I. 2016/1092](#).

- 84.**—(1) The Electrical Equipment (Safety) Regulations 2016 ^{M8} are amended as follows.
- (2) In paragraph (1) of regulation 2, for the definition of “authorised representative” substitute—

““authorised representative” means a person established within the EU appointed in accordance with regulation 14 (manufacturer’s authorised representatives);”.

(3) In paragraph (3) of regulation 3, for “apparatus covered by the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000” substitute “equipment covered by the Radio Equipment Regulations 2017”.

(4) In regulation 29 (duty to take action in respect of electrical equipment placed on the market which is not considered to be in conformity)—

- (a) in the title of the regulation, for “placed” substitute “made available”,
- (b) in paragraph (1), for “placed” substitute “made available”.

Marginal Citations

M8 [S.I. 2016/1101](#).

85.—(1) The Recreational Craft Regulations 2017^{M9} are amended as follows.

(2) In regulation 29 (duty not to place a product on the market where the distributor suspects that it is not in conformity)—

- (a) in the title of the regulation, for “place a product” substitute “make a product available”,
- (b) in paragraph (1), for “place the product” substitute “make the product available”.

Marginal Citations

M9 [S.I. 2017/737](#).

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

There are currently no known outstanding effects for the The Radio Equipment Regulations 2017, PART 6.