

2020 No. 1112

**EXITING THE EUROPEAN UNION, NORTHERN
IRELAND**

CONSUMER PROTECTION, NORTHERN IRELAND

**ELECTROMAGNETIC COMPATIBILITY, NORTHERN
IRELAND**

**ENVIRONMENTAL PROTECTION, NORTHERN
IRELAND**

HEALTH AND SAFETY, NORTHERN IRELAND

TELECOMMUNICATIONS, NORTHERN IRELAND

WEIGHTS AND MEASURES, NORTHERN IRELAND

The Product Safety and Metrology etc. (Amendment) (Northern
Ireland) (EU Exit) Regulations 2020

Made - - - - at 09.20 a.m. on 13th October 2020

Laid before Parliament at 2.00 p.m. on 13th October 2020

Coming into force in accordance with section regulation 1(b)

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

Citation, commencement and extent

1. These Regulations—

- (a) may be cited as the Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020;

(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.

- (b) come into force on IP completion day; and
- (c) extend to Northern Ireland only.

Amendment to the Measuring Instruments (EEC Requirements) Regulations 1988

2. Schedule 1 makes amendments to the Measuring Instruments (EEC Requirements) Regulations 1988(a).

Amendment to the Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001

3. Schedule 2 makes amendments to the Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001(b).

Amendment to the General Product Safety Regulations 2005

4. Schedule 3 makes amendments to the General Product Safety Regulations 2005(c).

Amendment to the Supply of Machinery (Safety) Regulations 2008

5. Schedule 4 makes amendments to the Supply of Machinery (Safety) Regulations 2008(d).

Amendment to the Toys (Safety) Regulations 2011

6. Schedule 5 makes amendments to the Toys (Safety) Regulations 2011(e).

Amendment to the Cosmetic Products Enforcement Regulations 2013

7. Schedule 6 makes amendments to the Cosmetic Products Enforcement Regulations 2013(f).

Amendment to the Pyrotechnic Articles (Safety) Regulations 2015

8. Schedule 7 makes amendments to the Pyrotechnic Articles (Safety) Regulations(g).

-
- (a) S.I. 1988/186; the instrument was revoked, subject to savings, by S.I. 2015/356 and relevant amending instruments are S.I. 2008/1267, S.I. 2015/1630; it was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018. Amendments extending to Great Britain only are also made prospectively, with effect from IP completion day, by S.I. 2019/696.
 - (b) S.I. 2001/1701, as amended by S.I. 2005/3525, S.I. 2008/1597, S.I. 2011/1043, S.I. 2015/98 and saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018. Amendments extending to Great Britain only are also made prospectively, with effect from IP completion day, by S.I. 2019/696.
 - (c) S.I. 2005/1803, as amended by S.I. 2011/1043 and S.I. 2011/1881 and saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018. Amendments extending to Great Britain only are also made prospectively, with effect from IP completion day, by S.I. 2019/696.
 - (d) S.I. 2008/1597, as amended by S.I. 2011/1043 and S.I. 2011/2157, and saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018. Amendments extending to Great Britain only are also made prospectively, with effect from IP completion day, by S.I. 2019/696. There are other amending instruments but none is relevant.
 - (e) S.I. 2011/1881, amended by S.I. 2015/1630 and saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018. Amendments extending to Great Britain only are also made prospectively, with effect from IP completion day, by S.I. 2019/696.
 - (f) S.I. 2013/1478, amended by S.I. 2015/1630 and saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018. Amendments extending to Great Britain only are also made prospectively, with effect from IP completion day, by S.I. 2019/696.
 - (g) S.I. 2015/1553; the instrument was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018. Amendments extending to Great Britain only are also made prospectively, with effect from IP completion day, by S.I. 2019/696.

Amendment to the Electromagnetic Compatibility Regulations 2016

9. Schedule 8 makes amendments to the Electromagnetic Compatibility Regulations 2016(a).

Amendment to the Simple Pressure Vessels (Safety) Regulations 2016

10. Schedule 9 makes amendments to the Simple Pressure Vessels (Safety) Regulations 2016(b).

Amendment to the Lifts Regulations 2016

11. Schedule 10 makes amendments to the Lifts Regulations 2016(c).

Amendment to the Electrical Equipment (Safety) Regulations 2016

12. Schedule 11 makes amendments to the Electrical Equipment (Safety) Regulations 2016(d).

Amendment to the Pressure Equipment (Safety) Regulations 2016

13. Schedule 12 makes amendments to the Pressure Equipment (Safety) Regulations 2016(e).

Amendment to the Non-automatic Weighing Instruments Regulations 2016

14. Schedule 13 makes amendments to the Non-automatic Weighing Instruments Regulations 2016(f).

Amendment to the Measuring Instruments Regulations 2016

15. Schedule 14 makes amendments to the Measuring Instruments Regulations 2016(g).

Amendment to the Recreational Craft Regulations 2017

16. Schedule 15 makes amendments to the Recreational Craft Regulations 2017(h).

Amendment to the Radio Equipment Regulations 2017

-
- (a) S.I. 2016/1091, as amended by S.I. 2017/1206 and saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018. Amendments extending to Great Britain only are also made prospectively, with effect from IP completion day, by S.I. 2019/696.
 - (b) S.I. 2016/1092, as amended by S.I. 2017/1206 and S.I. 2018/966 and saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018. Amendments extending to Great Britain only are also made prospectively, with effect from IP completion day, by S.I. 2019/696 and amendments extending to Northern Ireland are made prospectively, with effect from IP completion day, by S.I. 2020/678.
 - (c) S.I. 2016/1093, as amended by S.I. 2016/1186 and 2018/389 and saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018. Amendments extending to Great Britain only are also made prospectively, with effect from IP completion day, by S.I. 2019/696.
 - (d) S.I. 2016/1101, as amended by S.I. 2017/1206 and saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018. Amendments extending to Great Britain only are also made prospectively, with effect from IP completion day, by S.I. 2019/696.
 - (e) S.I. 2016/1105, as amended by S.I. 2017/1206 and saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018. Amendments extending to Great Britain only are also made prospectively, with effect from IP completion day, by S.I. 2019/696 and amendments extending to Northern Ireland are made prospectively, with effect from IP completion day, by S.I. 2020/678.
 - (f) S.I. 2016/1152; the instrument was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018. Amendments extending to Great Britain only are made prospectively, with effect from IP completion day, by S.I. 2019/696.
 - (g) S.I. 2016/1153; the instrument was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018. Amendments extending to Great Britain only are made prospectively, with effect from IP completion day, by S.I. 2019/696.
 - (h) S.I. 2017/737, to which there are amendments not relevant to this instrument; the instrument was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018. Amendments extending to Great Britain only are made prospectively with effect from IP completion day, by S.I. 2019/696.

17. Schedule 16 makes amendments to the Radio Equipment Regulations 2017(a).

Amendment to the Personal Protective Equipment (Enforcement) Regulations 2018

18. Schedule 17 makes amendments to the Personal Protective Equipment (Enforcement) Regulations 2018(b).

Amendment to the Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018

19. Schedule 18 makes amendments to the Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018(c).

Amendment to the Identification and Traceability of Explosives Regulations (Northern Ireland) 2013

20. Schedule 19 makes amendments to the Identification and Traceability of Explosives Regulations 2013(d).

Paul Scully
Parliamentary Under Secretary of State

At 09.20 a.m. on 13th October 2020 Department for Business, Energy and Industrial Strategy

SCHEDULE 1

Regulation 2

Amendment to the Measuring Instruments (EEC Requirements) Regulations 1988

1.—(1) The Measuring Instruments (EEC Requirements) Regulations 1988, insofar as they continue in force by virtue of paragraph 5 of the Schedule to the Weights and Measures (Revocations) Regulations 2015(e), are amended as follows.

(2) In Schedule 5 (adaptations for Northern Ireland)—

- (a) in paragraph 1(e), in the substituted definition of “use of trade” omit “other than the United Kingdom”;
- (b) for “Department of Economic Development” substitute “Department for the Economy” (seven times);
- (c) after paragraph 2, insert—

“2A.—(1) In the following provisions omit “other than the United Kingdom”—

- (a) regulation 10;

-
- (a) S.I. 2017/1206, to which there are amendments not relevant to this instrument; the instrument was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018. Amendments extending to Great Britain only are made prospectively with effect from IP completion day, by S.I. 2019/696.
 - (b) S.I. 2018/390; the instrument was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018. Amendments extending to Great Britain only are made prospectively with effect from IP completion day, by S.I. 2019/696.
 - (c) S.I. 2018/389; the instrument was saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018. Amendments extending to Great Britain only are made prospectively with effect from IP completion day, by S.I. 2019/696.
 - (d) S.R. 2013 No. 48; amendments are made prospectively with effect from IP completion day, by S.I. 2019/696 but these amendments were revoked by S.I. 2020/676 with effect immediately before IP completion day.
 - (e) S.I. 2015/356.

- (b) regulation 12(1) and (2);
 - (c) regulation 13(8);
 - (d) regulation 17(1) and (5);
 - (e) regulation 18;
 - (f) regulation 19(1) and (2);
 - (g) regulation 20(1)(a) and (3);
 - (h) regulation 21(5);”
- (3) In regulation 8(3) omit “other”.
- (4) After regulation 9(2)(b) insert—
- “(ba) a condition requiring such notice to be given to the Secretary of State if such instruments are to be installed in Northern Ireland;”.

SCHEDULE 2

Regulation 3

Amendment to the Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001

1.—(1) The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001 are amended as follows.

- (2) In regulation 2—
- (a) in paragraph (1)—
 - (i) at the end of sub-paragraph (a) insert “and”;
 - (ii) omit sub-paragraph (b);
 - (b) after paragraph (1) insert—

“(1A) A reference in a Schedule to these Regulations—

 - (a) to “the European Union” is to be read as a reference to the relevant market;
 - (b) to “Community Directives” is to be read as a reference to NI Protocol obligations;
 - (c) to “the Notifying Member State” is to be read as a reference to the Secretary of State.”;
 - (c) in paragraph (2)—
 - (i) after the definition of “indication of the guaranteed sound power level” 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(a) applies;”;
 - (ii) after the definition of “open air” insert—

““relevant market means—

 - (a) the market of Northern Ireland; and
 - (b) the markets of the EEA states;”;
 - (iii) in the definition of “responsible person” for “European Union” in each of the three places in which it occurs, substitute “relevant market”.
- (3) In regulation 9(a)—

(a) 2018 c. 16. Section 7A was inserted by section 5 of the European Union (Withdrawal Agreement) Act 2020 (c.1).

- (a) in sub-paragraph (i), for “country outside the European Union” substitute “market outside of the relevant market”;
 - (b) for sub-paragraph (ii) substitute—
 - “(ii) is imported into the relevant market for re-export to a market outside of the relevant market.”.
- (4) In the following paragraphs of regulation 11 for “directives” substitute “NI Protocol obligations”—
- (a) paragraph (3) (twice);
 - (b) paragraph (4) (four times).
- (5) In regulation 13(b) omit “other than the United Kingdom,”.
- (6) In regulation 17(2)—
- (a) for “European Union” substitute “relevant market” (twice);
 - (b) in sub-paragraph (b) for “the United Kingdom” substitute “Northern Ireland”.

SCHEDULE 3

Regulation 4

Amendment to the General Product Safety Regulations 2005

1.—(1) The General Product Safety Regulations 2005 are amended as follows.

(2) In regulation 2—

(a) for the definition of “EU law” substitute—

““NI Protocol obligation” means any obligation created or arising 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 (and does not include Regulation (EC) No 765/2008 of the European Parliament and the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (as it has effect in EU law))(a);”;

(b) omit the definition of “Member State”;

(c) in the definition of “producer” for “Member State” substitute “relevant state” (5 times);

(d) after the definition of “record” insert—

““relevant state” means—

(a) Northern Ireland; or

(b) any EEA state;”.

(3) In regulation 3—

(a) for “rules of EU law” substitute “any NI Protocol obligation” (twice);

(b) in paragraph (2)(a) for “rules” substitute “NI Protocol obligation”.

(4) In regulation 6(1) for “rules of EU law” substitute “any NI Protocol obligation”.

(5) In regulation 9(1)(b)—

(a) for “the United Kingdom” substitute “Northern Ireland”;

(b) for “Member State” substitute “relevant state”.

(6) In regulation 33—

(a) at the beginning insert—

(a) OJ L 218, 13.08.2008 p. 20.

“(A1) The Secretary of State must establish and operate a database containing information relating to market surveillance and product safety.

(B1) The database referred to in paragraph (A1) must be designed to enable notifications by enforcement authorities under paragraphs (1), (2) or (4), to be made to the Secretary of State, through the database.”;

- (b) in paragraph (1)—
 - (i) for “the same” substitute “the information contained in that notification”;
 - (ii) after “Secretary of State” insert “through the database referred to in paragraph (A1)”;
 - (iii) for “Member States” substitute “relevant states”;
 - (c) in paragraph (2) after “Secretary of State” in the first place in which it occurs, insert “of the action taken through the database referred to in paragraph (A1)”;
 - (d) in paragraph (3)—
 - (i) after “market” insert “of Northern Ireland”;
 - (ii) for “EU legislation” substitute “NI Protocol obligation”;
 - (iii) for “the United Kingdom” substitute “Northern Ireland”;
 - (iv) for “Member States” substitute “relevant states”;
 - (e) in paragraph (4)—
 - (i) after “Secretary of State” in the first place in which it occurs insert “of the measure or action taken through the database referred to in paragraph (A1)”;
 - (ii) at the end insert “through the database referred to in paragraph (A1)”;
 - (f) in paragraph (5), after “(other than a pharmaceutical product)” insert “on the market of Northern Ireland”;
 - (g) in paragraph (6)—
 - (i) for “the United Kingdom” substitute “Northern Ireland”;
 - (ii) for “Member States of the European Union” substitute “relevant states”
 - (h) in paragraph (8) for “the United Kingdom” substitute “Northern Ireland” (twice).
- (7) In regulation 35—
- (a) in paragraph (2) after “shall” insert “in respect of Northern Ireland”;
 - (b) in paragraph (4) for “European Union” substitute “relevant states”;
- (8) In regulation 36 for “Member States” substitute “relevant states”.
- (9) In regulation 38(2) after “Regulations,” and at the end insert “in respect of Northern Ireland”.

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—

“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”.

SCHEDULE 5

Regulation 6

Amendment to the Toys (Safety) Regulations 2011

1. The Toys (Safety) Regulations 2011 are amended in accordance with paragraphs 2 to 7.

Amendment to Part 1

- 2.—(1) In regulation 3—
 - (a) in the definition of “importer”—
 - (i) in sub-paragraph (a) for “EU” substitute “relevant market”;
 - (ii) in sub-paragraph (b) for “third country on the EU” substitute “market outside the relevant market on the relevant”;
 - (b) in the following definitions for “EU” substitute “relevant”—
 - (i) “make available on the market”;
 - (ii) “place on the market”;
 - (c) after the definition of “recall” insert—

““relevant market” means—

 - (a) the market in Northern Ireland; and
 - (b) the market of the EEA states;

“relevant state” means—

 - (a) Northern Ireland; or
 - (b) any EEA state;”.
- (2) In regulation 8(2)(b) for “EU” substitute “relevant market”.

Amendment to Part 2

- 3.—(1) In regulation 17(2) and (4) for “Member” substitute “relevant”.
- (2) In regulation 25 for “EU” substitute “relevant market”.

Amendment to Part 3

4. In regulation 40(2)—
 - (a) for “member States” substitute “relevant states” (twice);

- (b) in sub-paragraph (b)—
 - (i) after “objections” insert “, other than an immaterial objection,”;
 - (ii) after “have” insert “been”;
 - (iii) for “Directive.” substitute “Directive;”;
- (c) after sub-paragraph (b) insert—
 - “(c) in sub-paragraph (b), an “immaterial objection” is an objection on the grounds that—
 - (i) the person designated is established in the United Kingdom; or
 - (ii) an accreditation certificate attesting that the person meets the requirements laid down in paragraphs 2 to 11 of Article 26 of the Directive was issued by the United Kingdom Accreditation Service, in respect of that person.”.

Amendment to Part 4

5. In regulation 48 after “participate in” insert “, or ensure that its personnel who are responsible for carrying out the conformity assessment activities are informed of,”.

Amendment to Part 5

- 6.—(1) In regulation 52(4) for “the United Kingdom” substitute “Northern Ireland”.
- (2) In regulation 53(5) for “Member State” substitute “relevant state”.
- (3) In regulation 54(1) omit “other” where it appears before “Member States”.

Amendment to Part 6

- 7. In regulation 58(2) for “member States” substitute “relevant states”.

SCHEDULE 6

Regulation 7

Amendment to the Cosmetic Products Enforcement Regulations 2013

- 1.—(1) The Cosmetic Products Enforcement Regulations 2013 are amended as follows.
 - (2) In regulation 2(1) in the definition of “enforcement authority” omit sub-paragraph (i).
 - (3) Omit regulations 4(2)(a), 6(2), (4) and (5).
 - (4) In regulation 10 omit “other” where it appears before “member States”.
 - (5) In regulation 16—
 - (a) in paragraph (1) omit “England and Wales or” (twice);
 - (b) omit paragraph (2);
 - (c) in paragraph (3) omit—
 - (i) “England, Wales, or”;
 - (ii) sub-paragraph (a).
 - (6) Omit regulations 17(3), 21 and 22(1) and (2).
 - (7) In regulation 22(5) omit from “(or” to “Advocate)”.
 - (8) In regulation 23(2) omit from “(in England” to “Scotland)”.
 - (9) In regulation 26(2) for “other” substitute “any”.

Amendment to the Pyrotechnic Articles (Safety) Regulations 2015

1. The Pyrotechnic Articles (Safety) Regulations 2015 are amended in accordance with paragraphs 2 to 7.

Amendment to Part 1

2.—(1) In regulation 2(1)—

- (a) in the following definitions for “member State” substitute “relevant state”—
 - (i) “accreditation certificate”;
 - (ii) “competent national authority”;
 - (iii) “registration number”;
- (b) in the definition of “importer”—
 - (i) in sub-paragraph (a) for “EU” substitute “relevant market”;
 - (ii) in sub-paragraph (b) for “third country on the EU” substitute “market outside of the relevant market on the relevant”;
- (c) in the following definitions for “EU” substitute “relevant”—
 - (i) “make available on the market”;
 - (ii) “place on the market”;
- (d) after the definition of “relevant economic operator” insert—
 - ““relevant market” means—
 - (a) the market in Northern Ireland; and
 - (b) the market of the EEA states;
 - “relevant state” means—
 - (a) Northern Ireland; or
 - (b) any EEA state;”.

(2) In regulation 2(3) for “member State” substitute “relevant state”.

(3) In regulation 3(2)(h)(i) for “the United Kingdom” substitute “Northern Ireland”.

Amendment to Part 2

3.—(1) In regulations 11 (three times), 17(2), 18(1), 22(2), 25(1)(a)(iii) and 36(1) for “member State” substitute “relevant state”.

(2) In regulation 27(2) for “member States” substitute “relevant states”

(3) In regulations 11(5), 18(2) and 36(2) for “the United Kingdom” substitute “Northern Ireland”.

Amendment to Part 4

4.—(1) In regulation 43(1)—

- (a) for “member States” substitute “relevant states” (twice);
- (b) in sub-paragraph (b)—
 - (i) after “objections” insert “, other than an immaterial objection,”;
 - (ii) for “used.” substitute “used;”;
- (c) after sub-paragraph (b) insert—

“(c) in sub-paragraph (b), an “immaterial objection” is an objection on the grounds that—

- (i) the conformity assessment body is established in the United Kingdom; or
- (ii) the accreditation certificate was issued by the United Kingdom Accreditation Service.”.

(2) In regulation 44 for “member States” substitute “relevant states” (twice).

(3) In regulation 49(4) for “member States” substitute “relevant states”.

Amendment to Part 5

5.—(1) In regulation 57—

(a) in paragraphs (3), (4) and (5)(a) for “the United Kingdom” substitute “Northern Ireland”;

(b) in paragraph (4)—

- (i) at the beginning insert “Subject to paragraph (4A),”;
- (ii) for “member States” substitute “relevant states”;

(c) after paragraph (4) insert—

“(4A) Paragraph (4) does not require the Secretary of State to inform the Commission or the other relevant states where the lack of conformity extends only to any of England or Wales or Scotland.”;

(d) in paragraph (5)(b) for “United Kingdom market” substitute “market in Northern Ireland”;

(e) in paragraph (7) for “member States” substitute “relevant states”.

(2) In regulation 58—

(a) in paragraph (1) for “member State” substitute “relevant state”;

(b) in paragraph (2)—

- (i) for “member State” substitute “relevant state”;
- (ii) for “member States” substitute “relevant states”;
- (iii) in sub-paragraph (b) for “article; and” substitute “article.”
- (iv) omit sub-paragraph (c);

(c) in paragraph (3)—

- (i) for “member State” substitute “relevant state”;
- (ii) after “are taken” insert “in Northern Ireland”;

(d) in paragraph (4)—

- (i) for “member State” substitute “relevant state”;
- (ii) for “United Kingdom market” substitute “market in Northern Ireland”;

(e) at the end of paragraphs (6) and (7) insert “in respect of Northern Ireland”.

(3) In regulation 59—

(a) in paragraph (3)—

- (i) at the beginning insert “Subject to paragraph (3A),”;
- (ii) for “member States” substitute “relevant states”;

(b) after paragraph (3) insert—

“(3A) Paragraph (3) only applies to measures taken in Northern Ireland.”.

Amendment to Part 6

6.—(1) In regulation 73(2) for “member States” substitute “relevant states”.

(2) In regulation 74(5) for “member State” substitute “relevant state”.

Amendment to Schedules

7.—(1) In paragraph 5(2) of Schedule 4, for “member State” substitute “relevant state”.

(2) In paragraphs 2(8) and 3(13) of Schedule 9 for “the United Kingdom” substitute “Northern Ireland”.

SCHEDULE 8

Regulation 9

Amendment to the Electromagnetic Compatibility Regulations 2016

1. The Electromagnetic Compatibility Regulations 2016 are amended in accordance with paragraphs 2 to 7.

Amendment to Part 1

2.—(1) In regulation 2(1)—

(a) in the following definitions for “member State” substitute “relevant state”—

- (i) “accreditation certificate”;
- (ii) “competent national authority”;

(b) in the definition of “authorised representative” for “EU” substitute “relevant market”;

(c) in the definition of “importer”—

- (i) for “EU” in the first place in which it occurs, substitute “relevant market”;
- (ii) for “third country on the EU” substitute “market outside of the relevant market on the relevant”;

(d) after the definition of “national accreditation body” 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;”;

(e) in the following definitions for “EU” substitute “relevant”—

- (i) “make available on the market”;
- (ii) “place on the market”;

(f) in the definition of “put into service” for “EU” substitute “relevant market”;

(g) after the definition of “relevant economic operator” insert—

““relevant market” means—

- (a) the market in Northern Ireland; and
- (b) the market of the EEA states;

“relevant state” means—

- (a) Northern Ireland; or
- (b) any EEA state;”.

(2) Omit regulation 2(4).

(3) In regulation 2(5) for “Member State” substitute “relevant state”.

(4) Omit regulation 3(5).

(5) After regulation 3 insert—

“Disapplication where more specific obligations apply

3A.—(1) Each provision of these Regulations does not apply to equipment 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 equipment and makes more specific provision than the Directive in relation to the conformity of the equipment with the essential requirements.”.

(6) In regulation 6 for “the United Kingdom” substitute “Northern Ireland”.

Amendment to Part 2

3.—(1) in regulation 10(3)—

- (a) for “EU instrument” substitute “NI Protocol obligation”;
- (b) in sub-paragraph (a) before “EU instruments” insert “relevant”;
- (c) in sub-paragraph (b) for “those EU” substitute “the relevant EU”.

(2) In regulations 13(4), 14(1)(a), 15(2), 20(2), 21(1), 23(2), 27(1)(a)(iii), 30(2) and 34(1) for “member State” substitute “relevant state”.

(3) In regulation 14(2), 21(2) and 34(2) for “the United Kingdom” substitute “Northern Ireland”.

Amendment to Part 4

4.—(1) In regulation 43(1)—

- (a) for “member States” substitute “relevant states” (twice);
- (b) in sub-paragraph (b)—
 - (i) after “objections” insert “, other than an immaterial objection,”;
 - (ii) at the end for “certificate.” substitute “certificate;”;
- (c) after sub-paragraph (b) insert—

“(c) in sub-paragraph (b), an “immaterial objection” is an objection on the grounds that—

- (i) the conformity assessment body is established in the United Kingdom; or
- (ii) the accreditation certificate was issued by the United Kingdom Accreditation Service.”.

(2) In regulation 44 for “member States” substitute “relevant states” (twice).

(3) In regulation 49(5) for “member States” substitute “relevant states”.

Amendment to Part 5

5.—(1) In regulation 57—

- (a) in paragraph (3) for “the United Kingdom” substitute “Northern Ireland”;
- (b) in paragraph (4)—
 - (i) at the beginning insert “Subject to paragraph (4A),”;
 - (ii) for “the United Kingdom” substitute “Northern Ireland”;
 - (iii) for “member States” substitute “relevant states”;
- (c) after paragraph (4) insert—

“(4A) Paragraph (4) does not require the Secretary of State to inform the Commission or the other relevant states where the lack of conformity extends only to any of England or Wales or Scotland.”;

- (d) in paragraph (5)—

- (i) in sub-paragraph (a) for “the United Kingdom” substitute “Northern Ireland”;
 - (ii) in sub-paragraph (b) for “United Kingdom market” substitute “market in Northern Ireland”;
 - (e) in paragraph (7) for “member States” substitute “relevant states”.
- (2) In regulation 58—
- (a) In paragraph (1) for “member State” substitute “relevant state”;
 - (b) In paragraph (2)—
 - (i) for “member State” substitute “relevant state”;
 - (ii) for “member States” substitute “relevant states”;
 - (iii) in sub-paragraph (a) after “enforcing authority” insert “in Northern Ireland”;
 - (iv) in sub-paragraph (b) for “apparatus; and” substitute “apparatus.”
 - (v) omit sub-paragraph (c).
 - (c) in paragraph (3)—
 - (i) for “member State” substitute “relevant state”;
 - (ii) after “are taken” insert “in Northern Ireland”;
 - (d) in paragraph (4)—
 - (i) for “member State” substitute “relevant state”;
 - (ii) for “United Kingdom market” substitute “market in Northern Ireland”;
 - (e) at the end of paragraphs (6) and (7) insert “in respect of Northern Ireland”.

Amendment to Part 6

- 6. In regulation 73(2) for “member States” substitute “relevant states”.

Amendment to Schedules

- 7.—(1) In paragraph 15 of Schedule 3 for “Member States” substitute “relevant states” (twice).
- (2) In paragraphs 16 and 29 of Schedule 7 for “the United Kingdom” substitute “Northern Ireland”.

SCHEDULE 9

Regulation 10

Amendments to the Simple Pressure Vessels (Safety) Regulations 2016

- 1.—(1) The Simple Pressure Vessels (Safety) Regulations 2016 are amended as follows.
- (2) In regulation 45(1)(b)—
 - (a) after “objections” insert “, other than an immaterial objection,”;
 - (b) for “certificate.” substitute “certificate;”.
- (3) After regulation 45(1)(b) insert—
 - “(c) in sub-paragraph (b), an “immaterial objection” is an objection on the grounds that—
 - (i) the conformity assessment body is established in the United Kingdom; or
 - (ii) the accreditation certificate was issued by the United Kingdom Accreditation Service.”.

Amendment to the Lifts Regulations 2016

1. The Lifts Regulations 2016 are amended in accordance with paragraphs 2 to 7.

Amendment to Part 1

2.—(1) In regulation 2(1)—

- (a) in the following definitions for “member State” substitute “relevant state”—
 - (i) “accreditation certificate”;
 - (ii) “competent national authority”;
- (b) in the definition of “authorised representative” for “EU” substitute “relevant market”;
- (c) in the definition of “importer”—
 - (i) in sub-paragraph (a) for “EU” substitute “relevant market”;
 - (ii) in sub-paragraph (b) for “third country on the EU” substitute “market outside of the relevant market on the relevant”;
- (d) in the following definitions for “EU” substitute “relevant”—
 - (i) “make available on the market”;
 - (ii) “place on the market” (twice);
- (e) After the definition of “national accreditation body” 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;”;
- (f) after the definition of “relevant economic operator” insert—

““relevant market” means—

 - (a) the market in Northern Ireland; and
 - (b) the market of the EEA states;

“relevant state” means—

 - (a) Northern Ireland; or
 - (b) any EEA state;”.

(2) In regulation 2(3)(b) for “member State” substitute “relevant state”;

(3) Omit regulation 2(5).

Amendment to Part 2

3.—(1) In regulation 5 in the heading and in the regulation for “EU law” substitute “NI Protocol obligation”.

(2) In regulation 8(3)—

- (a) for “EU instrument” in the first place in which it occurs substitute “NI Protocol obligation”;
- (b) in sub-paragraph (a) before “EU” insert “relevant”;

(3) In regulation 10—

- (a) for “member State” substitute “relevant state” (twice);
- (b) for “the United Kingdom” substitute “Northern Ireland”.

(4) In regulation 12(2) for “member State” substitute “relevant state”.

- (5) In regulation 17(3)—
 - (a) for “EU instrument” in the first place in which it occurs substitute “NI Protocol obligation”;
 - (b) in sub-paragraph (b) before “EU” insert “relevant”.
- (6) In regulation 19—
 - (a) for “member State” substitute “relevant state” (twice);
 - (b) in paragraph (4) for “the United Kingdom” substitute “Northern Ireland”.
- (7) In regulations 22 and 28 for “member State” substitute “relevant state”.
- (8) In regulation 29—
 - (a) for “member State” substitute “relevant state”;
 - (b) for “the United Kingdom” substitute “Northern Ireland”.
- (9) In regulation 37—
 - (a) for “member State” substitute “relevant state”;
 - (b) for “the United Kingdom” substitute “Northern Ireland”.
- (10) In regulation 40 for “member States” substitute “relevant states”.
- (11) In regulation 43—
 - (a) for “member State” substitute “relevant state”;
 - (b) for “the United Kingdom” substitute “Northern Ireland”.

Amendment to Part 4

- 4.—(1) In regulation 51(1)—
 - (a) in sub-paragraph (a) for “member States” substitute “relevant states”;
 - (b) in sub-paragraph (b)—
 - (i) after “objections” insert “, other than an immaterial objection,”;
 - (ii) for “member States” substitute “relevant states”;
 - (iii) at the end for “certificate.” substitute “certificate;”;
 - (c) after sub-paragraph (b) insert—
 - “(c) in sub-paragraph (b), an “immaterial objection” is an objection on the grounds that—
 - (i) the conformity assessment body is established in the United Kingdom; or
 - (ii) the accreditation certificate was issued by the United Kingdom Accreditation Service.”.
- (2) In regulation 52 for “member States” substitute “relevant states” (twice).
- (3) In regulation 57(5) for “member States” substitute “relevant states”.

Amendment to Part 5

- 5.—(1) In regulation 65—
 - (a) in paragraph (1)—
 - (i) in sub-paragraph (b)(ii) after “lifts” insert “from the market in Northern Ireland”;
 - (ii) in sub-paragraph (b)(iii) after “lifts” insert “from the market in Northern Ireland”;
 - (b) in paragraph (3) for “the United Kingdom” substitute “Northern Ireland”.
 - (c) in paragraph (4)
 - (i) at the beginning insert “Subject to paragraph (4A),”;
 - (ii) for “the United Kingdom” substitute “Northern Ireland”;

- (iii) for “member States” substitute “relevant states”;
 - (d) after paragraph (4) insert—
 - “(4A) Paragraph (4) does not require the Secretary of State to inform the Commission or the other relevant states where the lack of conformity extends only to any of England or Wales or Scotland.”;
 - (e) in paragraph (5)—
 - (i) in sub-paragraphs (a)(i) and (b)(i) for “the United Kingdom” substitute “Northern Ireland”;
 - (ii) in sub-paragraph (b)(ii) for “United Kingdom market” substitute “market in Northern Ireland”;
 - (f) in paragraph (7) for “member States” substitute “relevant states”.
- (2) In regulation 66—
- (a) in paragraph (1) for “member State” substitute “relevant state”;
 - (b) in paragraph (2)—
 - (i) for “member State” in the first place in which it occurs substitute “relevant state”;
 - (ii) for “member States” substitute “relevant states”;
 - (iii) in sub-paragraph (a) after “authority” insert “in Northern Ireland”;
 - (iv) in sub-paragraph (b) for “lifts; and” substitute “lifts.”
 - (v) omit sub-paragraph (c).
 - (c) in paragraph (3)—
 - (i) for “member State” substitute “relevant state”;
 - (ii) after “are taken” insert “in Northern Ireland”;
 - (d) in paragraph (4)—
 - (i) for “member State” substitute “relevant state”;
 - (ii) for “the United Kingdom market” substitute “market in Northern Ireland”;
 - (e) at the end of paragraph (6) insert “in respect of Northern Ireland”;
 - (f) omit paragraph (7).
- (3) In regulation 67—
- (a) in paragraphs (1)(a)(ii) and (iii) after “lift” insert “from Northern Ireland”;
 - (b) in paragraph (2)(b)(ii) and (iii) after “lifts” insert “from Northern Ireland”;
 - (c) in paragraph (3) for “member States” substitute “relevant states”.

Amendment to Part 6

- 6.** In regulation 81(2) for “member States” substitute “relevant states”.

Amendment to Schedules

- 7.—**(1) In Schedule 1, in paragraph 3(4) for “member States” substitute “relevant states”.
- (2) In Schedule 10, in paragraph 2(8) and 3(13) for “the United Kingdom” substitute “Northern Ireland”.

SCHEDULE 11

Regulation 12

Amendment to the Electrical Equipment (Safety) Regulations 2016

1. The Electrical Equipment (Safety) Regulations 2016 are amended in accordance with paragraphs 2 to 6.

Amendment to Part 1

2.—(1) In regulation 2(1)—

- (a) in the definition of “authorised representative” for “EU” substitute “relevant market”;
- (b) in the definition of “importer”—
 - (i) in sub-paragraph (a) for “EU” substitute “relevant market”;
 - (ii) in sub-paragraph (b) for “third country on the EU” substitute “market outside of the relevant market on the relevant”;
- (c) in the following definitions for “EU” substitute “relevant”—
 - (i) “making available on the market”;
 - (ii) “placing on the market”;
- (d) after the definition of “relevant economic operator” insert—
 - ““relevant market” means—
 - (a) the market in Northern Ireland; and
 - (b) the markets of the EEA states;
 - “relevant state” means—
 - (a) Northern Ireland; or
 - (b) any EEA state;”.

(2) Omit regulation 2(5).

(3) In regulation 3(2)(g) for “member States” substitute “relevant states”.

Amendment to Part 2

3.—(1) In regulation 6—

- (a) in paragraph (3)
 - (i) for “EU instrument” in the first place in which that occurs, substitute “NI Protocol obligation”;
 - (ii) before “EU instrument” in sub-paragraph (a) insert “relevant”;
- (b) after paragraph (3) insert—

“(4) In paragraph (3) “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.”.

(2) In regulations 9(3), 19(2) and 26(3) for “the UK” substitute “Northern Ireland”

(3) In regulations 12(2), 18(2), 23(2), 26(1)(a)(iii), and 32(1) for “member State” substitute “relevant state”.

(4) In regulation 29(2) for “member States” substitute “relevant states”.

(5) In regulations 32(2), 35(1) and in the heading of regulation 35 for “the United Kingdom” substitute “Northern Ireland”.

Amendment to Part 3

4. In regulation 37—

- (a) in paragraph (2)(a) for “member State” substitute “relevant state”;
- (b) in paragraph (3)(b) for “member State” substitute “relevant state”.

Amendment to Part 4

- 5.**—(1) In regulation 45—
- (a) in paragraph (1)(b) after “equipment” “from Northern Ireland”;
 - (b) in paragraph (1)(c) after “equipment” insert “from the market in Northern Ireland”;
 - (c) in paragraph (2) and (3) for “the United Kingdom” substitute “Northern Ireland”;
 - (d) in paragraph (3)—
 - (i) at the beginning insert “Subject to paragraph (3A)”;
 - (ii) for “the United Kingdom” substitute “Northern Ireland”;
 - (iii) for “member States” substitute “relevant states”;
 - (e) after paragraph (3) insert—

“(3A) Paragraph (3) does not require the Secretary of State to inform the Commission or the other relevant states where the lack of conformity extends only to any of England or Wales or Scotland.”;
 - (f) in paragraph (4)—
 - (i) in sub-paragraph (a) for “the United Kingdom” substitute “Northern Ireland”;
 - (ii) in sub-paragraph (b) for “United Kingdom market” substitute “market in Northern Ireland”;
 - (g) in paragraph (6) for “member States” substitute “relevant states”.
- (2) In regulation 46—
- (a) in paragraph (1)—
 - (i) for “member State” substitute “relevant state”;
 - (ii) in sub-paragraph (a) after “authority” insert “in Northern Ireland”;
 - (b) in paragraph (2)—
 - (i) for “member State” in the first place in which it occurs substitute “relevant state”;
 - (ii) for “member States” substitute “relevant states”;
 - (iii) in sub-paragraph (b) for “equipment; and” substitute “equipment.”;
 - (iv) omit sub-paragraph (c).
 - (c) in paragraph (3)—
 - (i) for “member State” substitute “relevant state”;
 - (ii) for “United Kingdom market” substitute “market in Northern Ireland”;
 - (d) in paragraphs (5) and (6) at the end insert “in respect of Northern Ireland”.
- (3) In regulation 47—
- (a) in paragraphs (1)(b) and (c) after “equipment” insert “from the market in Northern Ireland”;
 - (b) in paragraph (3) for “member States” substitute “relevant states”.

Amendment to Part 5

- 6.** In regulation 61(2) for “member States” substitute “relevant States”.

SCHEDULE 12

Regulation 13

Amendment to the Pressure Equipment (Safety) Regulations 2016

- 1.—(1) The Pressure Equipment (Safety) Regulations 2016 are amended as follows.
- (2) In the provisions listed in paragraph (4), after “objection” insert “other than an immaterial objection,”.
- (3) After the provisions listed in paragraph (4) insert—
 - “(c) in sub-paragraph (b), an “immaterial objection” is an objection on the grounds that—
 - (i) the conformity assessment body is established in the United Kingdom; or
 - (ii) the accreditation certificate was issued by the United Kingdom Accreditation Service.”.
- (4) The provisions referred to in paragraphs (2) and (3) are—
 - (a) regulation 51(1)(b);
 - (b) regulation 52(1)(b); and
 - (c) regulation 53(1)(b).

SCHEDULE 13

Regulation 14

Amendment to the Non-automatic Weighing Instruments 2016

1. The Non-automatic Weighing Instruments Regulations 2016 are amended in accordance with paragraphs 2 to 8.

Amendment to Part 1

- 2.—(1) In regulation 2(1)—
 - (a) in the following definitions for “EEA” substitute “relevant”—
 - (i) “accreditation certificate”;
 - (ii) “market surveillance authority”;
 - (iii) “notified body”;
 - (b) in the definition of “authorised representative” for “European Economic Area” substitute “relevant market”;
 - (c) in the definition of “importer”—
 - (i) in sub-paragraph (a) for “European Economic Area” substitute “relevant market”;
 - (ii) for “third country on the European Economic Area” substitute “market outside of the relevant market on the relevant”;
 - (d) after the definition of “national accreditation body” 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;”;
 - (e) in the definition of “make available on the market” for “European Economic Area market” substitute “relevant market”;
 - (f) in the definition of “place on the market” for “market in the European Economic Area” substitute “relevant market”;
 - (g) after the definition of “relevant economic operator” insert—

““relevant market” means—

- (a) the market in Northern Ireland; and
- (b) the market of the EEA states;

“relevant state” means—

- (a) Northern Ireland; or
- (b) any EEA state;”;

(h) omit the definition of “Union harmonisation legislation”.

(2) In regulation 2(2) for “EEA” substitute “relevant”.

Amendment to Part 2

3.—(1) In regulations 10(3), 11(2), 15, 18(3), 19(2), and 27(3) for “the United Kingdom” substitute “Northern Ireland”.

(2) In regulation 12(3) for “EEA” substitute “relevant”.

(3) In regulation 15 for “European Economic Area” substitute “relevant market”.

Amendment to Part 3

4.—(1) In regulation 40(2) for “the United Kingdom” substitute “Northern Ireland”.

(2) In regulation 41—

(a) in paragraph (1) for “a requirement of European Union legislation” substitute “an NI Protocol obligation”;

(b) in paragraph (2) before “Union” insert “relevant”.

Amendment to Part 5

5.—(1) In regulation 47—

(a) for “EEA” substitute “relevant” (three times);

(b) in paragraph (2)(b)—

(i) after “objections” insert “, other than an immaterial objection,”;

(ii) for “used.” substitute “used;”;

(c) after paragraph (2)(b) insert—

“(c) in sub-paragraph (b), an “immaterial objection” is an objection on the grounds that—

(i) the conformity assessment body is established in the United Kingdom; or

(ii) the accreditation certificate was issued by the United Kingdom Accreditation Service.”.

(2) In regulation 49—

(a) in paragraph (1) for “EEA” substitute “relevant”;

(b) in paragraph (6) for “member States” substitute “relevant states”.

(3) In regulation 54(5) for “EEA” substitute “relevant”.

Amendment to Part 8

6.—(1) In regulation 58—

(a) in paragraph (4)(b) at the end insert “in Northern Ireland”;

(b) in paragraph (6)—

(i) at the beginning insert “Subject to paragraph (6A),”;

- (ii) for “the United Kingdom” substitute “Northern Ireland”;
 - (iii) for “EEA” substitute “relevant”;
 - (c) after paragraph (6) insert—
 - “(6A) Paragraph (6) does not require the Secretary of State to inform the Commission or the other relevant states where the non-compliance extends only to any of England or Wales or Scotland.”;
 - (d) in paragraph (7) for “the European Economic Area” substitute “Northern Ireland”;
 - (e) in paragraph (8) after “on the market” insert “in Northern Ireland”;
 - (f) in paragraph (9) for “EEA” substitute “relevant”.
- (2) In regulation 59—
- (a) in paragraph (1)—
 - (i) for “EEA” in the first two places in which it occurs substitute “relevant”;
 - (ii) in sub-paragraph (b) for “instrument; and” substitute “instrument.”;
 - (iii) omit sub-paragraph (c).
 - (b) in paragraph (2) for “EEA” substitute “relevant”.
- (3) In regulation 60—
- (a) in paragraph (2)—
 - (i) in sub-paragraph (a) after “market” insert “in Northern Ireland”;
 - (ii) in sub-paragraph (b) after “market” insert “in Northern Ireland”;
 - (b) in paragraph (3) for “EEA” substitute “relevant”.
- (4) In regulation 64—
- (a) in paragraph (3)(a) after “market” insert “in Northern Ireland”;
 - (b) omit paragraph (6).

Amendment to Part 10

- 7. In regulation 77(2) for “EEA” substitute “relevant”.

Amendment to Schedules

- 8. In Schedule 3—
 - (a) in paragraph 1 for “an EEA” substitute “a relevant”;
 - (b) in paragraph 11(c) for “European Union harmonisation legislation” insert “any NI Protocol obligation”;
 - (c) in paragraph 16—
 - (i) for “the European” substitute “any relevant”;
 - (ii) after “legislation” insert “as it applies in Northern Ireland under a NI Protocol obligation”.

SCHEDULE 14

Regulation 15

Amendment to the Measuring Instruments Regulations 2016

- 1. The Measuring Instruments Regulations 2016 are amended in accordance with paragraphs 2 to 8.

Amendment to Part 1

- 2.—(1) In regulation 2(1)—
- (a) in the following definitions for “EEA” substitute “relevant”—
 - (i) “accreditation certificate”;
 - (ii) “market surveillance authority”;
 - (iii) “notified body”
 - (b) in the definition of “authorised representative” for “European Economic Area” substitute “relevant market”;
 - (c) in the definition of “importer”—
 - (i) in sub-paragraph (a) for “European Economic Area” substitute “relevant market”;
 - (ii) in sub-paragraph (b) for “third country on the European Economic Area” substitute “market outside of the relevant market on the relevant”;
 - (d) after the definition of “national accreditation body” 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;”;
 - (e) in the following definitions for “market in the European Economic Area” substitute “relevant market”—
 - (i) “make available on the market”;
 - (ii) “place on the market”;
 - (f) after the definition of “relevant economic operator” insert—

““relevant market” means—

 - (a) the market in Northern Ireland; and
 - (b) the market of the EEA states;

“relevant state” means—

 - (a) Northern Ireland; or
 - (b) any EEA state;”;
 - (g) omit the definition of “Union harmonisation legislation”.

(2) In regulation 2(2) for “EEA” substitute “relevant”.

Amendment to Part 2

- 3.—(1) In regulations 11(4), 12(3), 16, 19(3), 20(2), and 28(4) for “the United Kingdom” substitute “Northern Ireland”.
- (2) In regulation 13(3) for “EEA” substitute “relevant”.
 - (3) In regulation 16 for “European Economic Area” substitute “relevant market”.

Amendment to Part 3

- 4.—(1) In regulation 47(2) for “the United Kingdom” substitute “Northern Ireland”.
- (2) In regulation 48—
- (a) in paragraph (1) for “a requirement of European Union legislation” substitute “an NI Protocol obligation”;
 - (b) in paragraph (2) before “Union” insert “relevant”.

Amendment to Part 5

- 5.**—(1) In regulation 53—
- (a) for “EEA” substitute “relevant” (three times);
 - (b) in paragraph (2)(b) —
 - (i) after “objections” insert “, other than an immaterial objection,”;
 - (ii) for “used.” substitute “used;”;
 - (c) after paragraph (2)(b) insert—
 - “(c) in sub-paragraph (b), an “immaterial objection” is an objection on the grounds that—
 - (i) the conformity assessment body is established in the United Kingdom; or
 - (ii) the accreditation certificate was issued by the United Kingdom Accreditation Service.”.
- (2) In regulation 55 for “EEA” substitute “relevant” (twice).
- (3) In regulation 60(5) for “EEA” substitute “relevant”.

Amendment to Part 7

- 6.**—(1) In regulation 63—
- (a) in paragraph (6)—
 - (i) at the beginning insert “Subject to paragraph (6A),”;
 - (ii) for “the United Kingdom” substitute “Northern Ireland”;
 - (iii) for “EEA” substitute “relevant”;
 - (b) after paragraph (6) insert—
 - “(6A) Paragraph (6) does not require the Secretary of State to inform the Commission or the other relevant states where the non-compliance extends only to any of England or Wales or Scotland.”;
 - (c) in paragraph (7) for “the European Economic Area” substitute “Northern Ireland”;
 - (d) in paragraph (8)—
 - (i) after “on the market” insert “in Northern Ireland”;
 - (ii) after “from the market” insert “in Northern Ireland”;
 - (e) in paragraph (9) for “EEA States” substitute “relevant states”.
- (2) In regulation 64—
- (a) in paragraph (1)—
 - (i) for “EEA State” in the first place in which it occurs substitute “relevant state”;
 - (ii) for “EEA States” substitute “relevant states”;
 - (iii) in sub-paragraph (b) for “instrument; and” substitute “instrument.”;
 - (iv) omit sub-paragraph (c).
 - (b) in paragraph (2) for “EEA” substitute “relevant”.
- (3) In regulation 65—
- (a) in paragraph (2)(b) after “market” insert “in Northern Ireland”;
 - (b) in paragraph (3) for “EEA” substitute “relevant”.
- (4) In regulation 69—
- (a) in paragraph (3)(a) after “market” insert “in Northern Ireland”;
 - (b) omit paragraph (6).

Amendment to Part 9

7. In regulation 81(2) for “EEA” substitute “relevant”.

Amendment to Schedules

8.—(1) In Schedule 2—

- (a) in paragraph 2 for “EEA” substitute “relevant” (twice);
- (b) in paragraph 4 for “EEA” substitute “relevant” (twice);
- (c) in paragraph 7 for “EEA” substitute “relevant” (twice);
- (d) in paragraph 10 for “EEA” substitute “relevant” (twice);
- (e) in paragraph 12 for “EEA” substitute “relevant” (twice);

(2) In Schedule 5—

- (a) in paragraph 1 for “an EEA” substitute “a relevant”;
- (b) in paragraph 6(c) for “Union harmonisation legislation” insert “any NI Protocol obligation”;
- (c) in paragraph 9 for “EEA” substitute “relevant”;
- (d) in paragraph 10 after “legislation” insert “as it applies in Northern Ireland under a NI Protocol obligation”.

SCHEDULE 15

Regulation 16

Amendment to the Recreational Craft Regulations 2017

1. The Recreational Craft Regulations 2017 are amended in accordance with paragraphs 2 to 7.

Amendment to Part 1

2.—(1) In regulation 2(1)—

- (a) in the following definitions for “Member State” substitute “relevant state”—
 - (i) “accreditation certificate”;
 - (ii) “competent national authority”;
- (b) in the definition of “importer”—
 - (i) in sub-paragraph (a) for “EU” substitute “relevant market”;
 - (ii) in sub-paragraph (b) for “third country on the EU” substitute “market outside of the relevant market on the relevant”;
- (c) after the definition of “national accreditation body” 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;”;
- (d) in the following definitions for “EU” substitute “relevant”—
 - (i) “making available on the market”;
 - (ii) “placing on the market”;
 - (iii) “putting into service”;
- (e) in the definition of “private importer”—
 - (i) for “EU” in the first place in which it occurs, substitute “relevant market”;

- (ii) for “third country into the EU” substitute “market outside of the relevant market into the relevant market”;
- (f) after the definition of “relevant conformity assessment procedure” insert—
 - ““relevant market” means—
 - (a) the market in Northern Ireland; and
 - (b) the market of the EEA states;
 - “relevant state” means—
 - (a) Northern Ireland; or
 - (b) any EEA state;”.
- (2) Omit regulation 2(4).
- (3) In regulation 2(5)(b) for “member State” substitute “relevant state”.

Amendment to Part 2

- 3.—(1) In regulation 7 for “the United Kingdom” substitute “Northern Ireland” (three times).
- (2) In regulation 10—
 - (a) for “Member State” substitute “relevant state” (twice);
 - (b) for “EU instrument” in the first place in which it occurs substitute “NI Protocol obligation”;
- (3) In regulation 15—
 - (a) for “Member State” substitute “relevant state”;
 - (b) for “the United Kingdom” substitute “Northern Ireland”.
- (4) In regulation 16(2) for “Member State” substitute “relevant state”.
- (5) In regulation 22—
 - (a) for “Member State” substitute “relevant state”;
 - (b) for “the United Kingdom” substitute “Northern Ireland”.
- (6) In regulations 24, 28 and 31 for “Member State” substitute “relevant state”.
- (7) In regulation 29 for “Member States” substitute “relevant states”.
- (8) In regulation 35 for “the United Kingdom” substitute “Northern Ireland”.
- (9) In regulation 39(1) for “the EU” substitute “a relevant state”.

Amendment to Part 4

- 4.—(1) In regulation 55—
 - (a) in sub-paragraph (a) for “Member States” substitute “relevant states”;
 - (b) in sub-paragraph (b)—
 - (i) after “objections” insert “, other than an immaterial objection,”;
 - (ii) for “Member States” substitute “relevant states”;
 - (iii) at the end for “certificate.” substitute “certificate;”;
 - (c) after sub-paragraph (b) insert—
 - “(c) in sub-paragraph (b), an “immaterial objection” is an objection on the grounds that—
 - (i) the conformity assessment body is established in the United Kingdom; or
 - (ii) the accreditation certificate was issued by the United Kingdom Accreditation Service.”.
- (2) In regulation 56 for “Member States” substitute “relevant states” (twice).

(3) In regulation 61(4) for “Member States” substitute “relevant states”.

Amendment to Part 5

5.—(1) In regulation 69—

(a) in paragraph (1)—

(i) after “withdraw the product” insert “from Northern Ireland”;

(ii) after “recall the product” insert “from Northern Ireland”;

(b) in paragraph (3) for “the United Kingdom” substitute “Northern Ireland”.

(c) in paragraph (4)—

(i) at the beginning insert “Subject to paragraph (4A),”;

(ii) for “the United Kingdom” substitute “Northern Ireland”;

(iii) for “Member States” substitute “relevant states”;

(d) after paragraph (4) insert—

“(4A) Paragraph (4) does not require the Secretary of State to inform the Commission or the other relevant states where the lack of conformity extends only to any of England or Wales or Scotland.”;

(e) in paragraph (5)—

(i) in sub-paragraph (a) for “the United Kingdom” substitute “Northern Ireland”;

(ii) in sub-paragraph (b) for “United Kingdom market” substitute “market in Northern Ireland”;

(f) in paragraph (7) for “Member States” substitute “relevant states”.

(2) In regulation 70—

(a) in paragraph (1) for “Member State” substitute “relevant state”;

(b) in paragraph (2)—

(i) for “Member State” in the first place in which it occurs substitute “relevant state”;

(ii) for “Member State” in the second place in which it occurs substitute “relevant states”;

(iii) in sub-paragraph (a) after “authority” insert “in Northern Ireland”;

(iv) in sub-paragraph (b) for “product; and” substitute “product.”

(v) omit sub-paragraph (c).

(c) in paragraph (3)—

(i) for “Member State” substitute “relevant state”;

(ii) after “are taken” insert “in Northern Ireland”;

(d) in paragraph (4)—

(i) for “Member State” substitute “relevant state”;

(ii) for “the United Kingdom” substitute “in Northern Ireland”;

(e) at the end of paragraphs (6) and (7) insert “in respect of Northern Ireland”.

Amendment to Part 6

6. In regulation 88(4) for “member States” substitute “relevant states”.

Amendment to Schedules

7. In the following provisions for “Member State” substitute “relevant state”—

(a) in Schedule 1—

- (i) in Part A, paragraph 2.1 (Watercraft identification);
- (ii) in Part B, paragraph 4 (Owner’s Manual);
- (b) in Schedule 5, paragraph 3.

SCHEDULE 16

Regulation 17

Amendment to the Radio Equipment Regulations 2017

1. The Radio Equipment Regulations 2017 are amended in accordance with paragraphs 2 to 8.

Amendment to Part 1

2.—(1) In regulation 2(1)—

- (a) in the following definitions for “Member State” substitute “relevant state”—
 - (i) “accreditation certificate”;
 - (ii) “competent national authority”;
- (b) in the definition of “importer”—
 - (i) in sub-paragraph (a) for “EU” substitute “relevant market”;
 - (ii) in sub-paragraph (b) for “third country on the EU” substitute “market outside of the relevant market on the relevant”;
- (c) after the definition of “national accreditation body” 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;”;
- (d) in the following definitions for “EU” substitute “relevant”—
 - (i) “make available on the market”;
 - (ii) “place on the market”;
- (e) in the definition of “put into service” for “EU” substitute “relevant market”;
- (f) after the definition of “relevant economic operator” insert—

““relevant market” means—

 - (a) the market in Northern Ireland; and
 - (b) the market of the EEA states;

“relevant state” means—

 - (a) Northern Ireland; or
 - (b) any EEA state;”.

(2) In regulation 2(3)(b) for “Member State” substitute “relevant state”;

(3) Omit regulation 2(6).

Amendment to Part 2

3.—(1) In regulation 5 for “the United Kingdom” substitute “Northern Ireland” (twice).

(2) In regulation 8—

- (a) in the heading, for “member” substitute “relevant”;
- (b) for “Member State” substitute “relevant state” (twice);
- (c) for “Member States” substitute “relevant states”.

- (3) In regulation 10 for “EU instrument” in the first place in which it occurs substitute “NI Protocol obligation”.
- (4) In regulation 12 for “Member State” substitute “relevant state”;
- (5) In regulation 13—
- (a) for “Member State” substitute “relevant state”;
 - (b) for “the United Kingdom” substitute “Northern Ireland”.
- (6) In regulation 14(1)—
- (a) for “Member States” substitute “relevant states”;
 - (b) for “Member State” substitute “relevant state”.
- (7) In regulation 15(2), 16(1)(b), 23(2), 27(2) and 29(1) for “Member State” substitute “relevant state”.
- (8) In regulation 19(1) for “EU” substitute “relevant market”.
- (9) In regulation 21(b)—
- (a) for “Member State” substitute “relevant state” (twice);
 - (b) for “Member States” substitute “relevant states”.
- (10) In regulation 24—
- (a) for “Member State” substitute “relevant state”;
 - (b) for “the United Kingdom” substitute “Northern Ireland”.
- (11) In regulation 31—
- (a) for “Member State” substitute “relevant state” (twice);
 - (b) for “the United Kingdom” substitute “Northern Ireland”.
- (12) In regulation 34(2) for “Member States” substitute “relevant states”.
- (13) In regulation 35 for “Member State” substitute “relevant state” (twice).
- (14) In regulation 37—
- (a) for “Member State” substitute “relevant state”;
 - (b) for “the United Kingdom” substitute “Northern Ireland”.

Amendment to Part 3

4. In regulation 45 for “Member State” substitute “relevant state”.

Amendment to Part 4

- 5.—(1) In regulation 46(1)—
- (a) in sub-paragraph (a) for “Member States” substitute “relevant states”;
 - (b) in sub-paragraph (b)—
 - (i) after “objections” insert “, other than an immaterial objection,”;
 - (ii) for “Member States” substitute “relevant states”;
 - (iii) at the end for “certificate.” substitute “certificate.”;
 - (c) after sub-paragraph (b) insert—
 - “(c) in sub-paragraph (b), an “immaterial objection” is an objection on the grounds that—
 - (i) the conformity assessment body is established in the United Kingdom; or
 - (ii) the accreditation certificate was issued by the United Kingdom Accreditation Service.”.
- (2) In regulation 47 for “Member States” substitute “relevant states” (twice).

(3) In regulation 52(5) for “Member States” substitute “relevant states”.

Amendment to Part 5

6.—(1) In regulation 60—

(a) in paragraph (1)—

(i) in sub-paragraph (b) after “equipment” insert “from Northern Ireland”;

(ii) in sub-paragraph (c) after “equipment” insert “from Northern Ireland”;

(b) in paragraph (3) for “the United Kingdom” substitute “Northern Ireland”.

(c) in paragraph (4)

(i) at the beginning insert “Subject to paragraph (4A),”;

(ii) for “the United Kingdom” substitute “Northern Ireland”;

(iii) for “Member States” substitute “relevant states”;

(d) after paragraph (4) insert—

“(4A) Paragraph (4) does not require the Secretary of State to inform the Commission or the other relevant states where the lack of conformity extends only to any of England or Wales or Scotland.”;

(e) in paragraph (5)—

(i) in sub-paragraph (a) for “the United Kingdom” substitute “Northern Ireland”;

(ii) in sub-paragraph (b) for “United Kingdom market” substitute “market in Northern Ireland”;

(f) in paragraph (7) for “Member States” substitute “relevant states”.

(2) In regulation 61—

(a) in paragraph (1) for “Member State” substitute “relevant state”;

(b) in paragraph (2)—

(i) for “Member State” in the first place in which it occurs substitute “relevant state”;

(ii) for “Member States” substitute “relevant states”;

(iii) in sub-paragraph (a) after “authority” insert “in Northern Ireland”;

(iv) in sub-paragraph (b) for “equipment, and” substitute “equipment.”

(v) omit sub-paragraph (c).

(c) in paragraph (3)—

(i) for “Member State” substitute “relevant state”;

(ii) after “are taken” insert “in Northern Ireland”;

(d) in paragraph (4)—

(i) for “Member State” in the first place in which it occurs substitute “relevant state”;

(ii) for “the United Kingdom market” substitute “market in Northern Ireland”;

(e) at the end of paragraph (6) insert “in respect of Northern Ireland”;

(f) omit paragraph (7).

(3) In regulation 62—

(a) in paragraphs (1)(b) and (c) after “equipment” insert “from Northern Ireland”;

(b) in paragraph (3) for “Member States” substitute “relevant states”.

Amendment to Part 6

7. In regulation 76(4) for “Member States” substitute “relevant states”.

Amendment to Schedules

8.—(1) In paragraph 8(3) of Schedule 3 for “Member States” substitute “relevant states” (three times).

(2) In paragraph 1(h)(i) of Schedule 5 for “Member State” substitute “relevant state”.

(3) In paragraph 10(c) of Schedule 9 for “Member State” substitute “relevant state”.

(4) In paragraphs 5(8) and 6(13) of Schedule 10 for “the United Kingdom” substitute “Northern Ireland”.

SCHEDULE 17

Regulation 18

Amendment to the Personal Protective Equipment (Enforcement) Regulations 2018

1.—(1) The Personal Protective Equipment (Enforcement) Regulations 2018 are amended as follows.

(2) In regulation 6 omit “other” in the third place in which it occurs.

(3) After regulation 6 insert—

“Information obligations

6A.—(1) Nothing in EU Regulation 2016/425 requires any market surveillance authority or the Secretary of State to inform the Commission or member States of any matter in relation to PPE on the market of Great Britain only.”.

(4) In regulation 12(1)(b) after “market” insert “in Northern Ireland”.

(5) In regulation 18(2) for “other” insert “any”.

SCHEDULE 18

Regulation 19

Amendment to the Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018

1.—(1) The Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 are amended as follows.

(2) In regulation 6 omit “other” in the third place in which it occurs.

(3) After regulation 6 insert—

“Information obligations

6A.—(1) Nothing in EU Regulation 2016/426 requires any market surveillance authority or the Secretary of State to inform the Commission or member States of any matter in relation to appliances or fittings on the market of Great Britain only.”.

(4) In regulation 12(1)(b) after “market” insert “in Northern Ireland”.

(5) In regulation 18(2) for “other” insert “any”.

Amendment of the Identification and Traceability of Explosives Regulations (Northern Ireland) 2013

Introduction

1. The Identification and Traceability of Explosives Regulations (Northern Ireland) 2013 are amended in accordance with paragraphs 2 to 6.

Amendment to regulation 2

2. In regulation 2, after the definition of “manufacture” insert—

““relevant state” means—

- (a) Northern Ireland, or
- (b) any EEA State;”.

Amendment to regulation 5

3. In regulation 5—

(a) in paragraph (3)—

- (i) in the opening words for “in a country that is not an EEA State” substitute “outside of a relevant state”;
- (ii) in sub-paragraph (a) for “an EEA State” substitute “a relevant state”;
- (iii) in sub-paragraph (b) for “an EEA State” substitute “a relevant state”;
- (iv) in sub-paragraph (c) omit “either Great Britain or” and “other than the United Kingdom”;

(b) in paragraph (4)(b) omit “Great Britain or” and “other than the United Kingdom”;

(c) for paragraph (6) substitute—

“(6) Where this paragraph applies, the manufacturer must apply to the national authority of the EEA State of import of the explosive for that national authority to attribute a code for the site where the explosives are manufactured.”.

Amendment to regulation 7

4. In regulation 7(2) for “other member” substitute “EEA”.

Amendment to Schedule 1

5. in Schedule 1—

(a) for paragraph 1(a)(ii)(aa) substitute—

“(aa) where the place of production or place of import (onto the market of any relevant state) is Northern Ireland, the letters “UK(NI)”;

(ab) where the place of production or place of import (onto the market of any relevant state) is an EEA State, two letters identifying the EEA State;”;

(b) in paragraph (2) for “(a)(ii)(aa) and (ii)(bb) and (b)” substitute “(a)(ii)(aa), (ab), (bb) and (b)”.

Amendment to Schedule 2

6. In paragraph 9 of Schedule 2—

- (a) in sub-paragraph (1) for “(a)(ii)(aa) and (ii)(bb) and (b)” substitute “(a)(ii)(aa), (ab), (bb) and (b)”;
- (b) in sub-paragraph (2)(b) after “(a)(ii)(aa)” insert “, (ab)”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Protocol on Ireland / Northern Ireland in the withdrawal agreement (“the Protocol”) requires that the EU legislation listed in Annex 2 to that Protocol is implemented in Northern Ireland. The Regulations amended by regulations 2 to 20 of these Regulations and their respective Schedules each implement some of the EU legislation that is listed in Annex 2 to the Protocol.

The Regulations which are amended by these Regulations, generally extend to England and Wales and Scotland and Northern Ireland. The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696) amend some of them 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 but those amendments apply prospectively (with effect from IP completion day) and only extend to England and Wales and Scotland.

The amendments made by these Regulations extend to Northern Ireland only and make minor amendments to reflect the fact that the relevant EU legislation will continue to apply to Northern Ireland by virtue of the Protocol. There are also some amendments required to take account of the fact whilst Northern Ireland must continue to implement the EU legislation, England and Wales and Scotland will have regimes that are independent of the EU legislation.

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.

© Crown copyright 2020

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

UK202010131018 10/2020 19585

<http://www.legislation.gov.uk/id/uksi/2020/1112>