

EXPLANATORY MEMORANDUM TO
THE PRODUCT SAFETY AND METROLOGY ETC. (AMENDMENT)
REGULATIONS 2021

2021 No. 1273

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Business, Energy and Industrial Strategy (the Department) and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 There are two objectives of this statutory instrument: firstly, it makes provisions to ensure businesses have sufficient time to comply with new UK conformity assessment marking (UKCA) requirements in order to legally place products on the market in Great Britain (England and Wales and Scotland). Secondly, this instrument makes necessary technical amendments to certain product safety and metrology legislation so that it works fully as intended.
- 2.2 To this end this instrument:
 - (i) Extends the UK's acceptance of certain products meeting EU requirements and markings until 31 December 2022 for products placed on the market in Great Britain;
 - (ii) Extends existing easements allowing businesses to affix the UKCA marking using a label or accompanying document until 31 December 2023; and
 - (iii) Amends some provisions of specific product safety and metrology legislation, which have previously been amended following the European Union (Withdrawal) Act 2018, to ensure those provisions work fully as intended.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee for Statutory Instruments

- 3.1 This instrument was laid for sifting on 27 October 2021. Both the European Statutory Instruments Committee and the Secondary Legislation Scrutiny Committee confirmed on 2 November 2021 that they are content for this instrument to remain subject to the negative procedure.
- 3.2 It is being made under the negative procedure because the amendments it makes are technical in nature or simply extend transitory periods for provisions that have already been agreed. The amendments are limited to extending acceptance of certain products meeting EU requirements and markings, extending existing labelling easements, and ensuring product safety and metrology regulations operate fully as intended (as detailed in section 2 and section 7 of this Memorandum).
- 3.3 This instrument amends instruments that were made under section 2(2) of the European Communities Act 1972. With the exception of the amendments made in regulation 13, the amendments rely on powers under the European Union

(Withdrawal) Act 2018 (“the 2018 Act”). Regulation 13 amends the Radio Equipment Regulations 2017 and relies on powers that were introduced into those Regulations by an instrument made under powers in the 2018 Act. As such paragraphs 13 and 14 of Schedule 8 to the 2018 Act do not apply and the procedural requirements in paragraph 15 have been complied with in this Explanatory Memorandum (explanatory statements) in relation to regulation 13.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument varies between provisions.
- 4.2 The provisions to extend acceptance of certain products meeting EU requirements and markings on the market in Great Britain until 31 December 2022, and the provisions extending the period of existing easements allowing businesses to affix the UKCA marking using a label or accompanying document until 31 December 2023, extend to England, Wales, and Scotland only.
- 4.3 The amendments to specific product safety and metrology legislation vary between provisions. In part they extend to:
 - (i) England, Wales and Scotland only;
 - (ii) England and Wales and Scotland and Northern Ireland; and
 - (iii) Northern Ireland only.
- 4.4 The territorial application of this instrument is the same as its extent.

5. European Convention on Human Rights

- 5.1 As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

- 6.1 The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 SI No. 696 (the 2019 Regulations) amended a number of pieces of legislation, including provisions to end mutual recognition of EU notified bodies carrying out conformity assessment, and goods meeting EU requirements (such as the CE marking) in Great Britain. They set out a new system whereby only approved bodies established in the UK could test and certify certain products for the market in Great Britain, where third-party conformity assessment is required. They also introduced the new UKCA marking to replace the CE marking for goods to be placed on the market in Great Britain.
- 6.2 To support businesses in transitioning to the new regime and mitigate potential disruption to the supply of certain goods on the market in Great Britain following the UK’s withdrawal from the EU, the 2019 Regulations introduced a transitional arrangement allowing for the UK’s continued acceptance of certain products meeting EU requirements and markings for 12 months from the Implementation Period (IP) completion day, until 11pm on 31 December 2021, which applied to most goods covered by the new UKCA marking regime. Additionally, they provided easements whereby UKCA marking could be affixed using a label or accompanying document for a 12-month period after the UK’s acceptance of certain products meeting EU requirements and markings ended, until 31 December 2022, ensuring businesses had sufficient time to fully comply with the new UKCA requirements.

- 6.3 They also corrected other deficiencies and introduced provision ensuring access to the market in Great Britain of qualifying Northern Ireland goods. To introduce some of these changes, the Regulations 2019 were themselves amended by other statutory instruments before it came into force, including by S.I. 2020/1460 (see, in particular Schedule 3) (the 2020 Regulations).

7. Policy background

What is being done and why?

- 7.1 This instrument extends the UK's acceptance of certain products meeting EU requirements and markings for products placed on the market in Great Britain until 31 December 2022, and extends existing easements allowing businesses to affix the UKCA marking using a label or accompanying document until 31 December 2023. It also amends specific product safety and metrology legislation, previously amended under powers in the 2018 Act, to ensure those provisions work fully as intended.
- 7.2 The extension provisions of this instrument, contained in Part 3, regulations 7 and 8 and Schedules 1 and 2, are being introduced as a one-off measure to take account of the unexpected challenges businesses have faced due to the COVID-19 pandemic, which have affected readiness to transition to the new UKCA regime. This instrument will give effect to the Government's announcement made on 24 August 2021, providing businesses with an additional year to start using the new UKCA marking. Ongoing engagement with businesses (as outlined in section 10 of this memorandum) also indicates that additional product testing capacity is needed in some sectors to meet market demand.
- 7.3 Without these amendments the acceptance of certain products meeting EU requirements and markings would end on 31 December 2021, as is currently set out in legislation. This could have public health and safety implications due to businesses placing non-compliant, but otherwise safe, goods on the market in Great Britain, in turn creating challenges for market surveillance. It could also cause potential disruption to supply chains for a wide range of sectors, including personal protective equipment used by the health service, as businesses would not legally be able to place these products on the market in Great Britain. Therefore, these provisions ensure there is sufficient time for businesses and manufacturers to transition to the new UKCA marking requirements and mitigate the potential economic impacts of disruption, given the challenging and unexpected circumstances of the past year.
- 7.4 Additionally, this instrument makes necessary technical amendments to some product safety and metrology regulations (which require products to meet certain essential safety or accuracy requirements so that only safe or accurate products are on the market). These amendments, which are detailed below, make technical amendments to earlier EU Exit legislation, ensuring the regulations work as fully intended and providing business with the necessary clarity.
- 7.5 The Non-automatic Weighing Instruments Regulations 2016 and the Measuring Instruments Regulations 2016 ensure that only accurate instruments are placed on the market and when they are used to measure for regulated purposes, that they remain accurate in use. These Regulations are being amended to clarify procedure for instruments that were lawfully placed on the market by meeting EU requirements (whether before or after the IP completion day), and no longer meet requirements, to

ensure that their accuracy is maintained once they have been put into service. For weighing and measuring instruments used for regulated purposes, such as trade use, there is an established procedure of disqualification and requalification already set out in the Regulations as an alternative to taking formal enforcement action where the instruments are found to be non-compliant. This Instrument ensures that the processes of disqualification and re-qualification will continue smoothly for instruments both in Northern Ireland and in Great Britain, given the changes arising out of the UK's exit from the EU.

- 7.6 It also sets out the disqualification and re-qualification markings in legislation for transparency, and introduces information that must accompany the markings. These changes are necessary because without amendment, the provisions do not take into account the change from notified bodies to approved bodies for the market in Great Britain and do not distinguish between requalification for the market of Great Britain and the market of Northern Ireland.
- 7.7 This instrument also includes a couple of very minor reference updates (see regulations 9 and 10) related to the UK's withdrawal from the EU. In the Supply of Machinery (Safety) Regulations 2008, it removes a reference to texts published in the Official Journal of the EU as this is no longer required. Similar references in the Pressure Equipment (Safety) Regulations 2016, are also changed from 'Notified Body' to 'Approved Body'.
- 7.8 It amends the Radio Equipment Regulations 2017 and related retained legislation as they apply in Great Britain to clarify what information must be included and where in relation to authorisations or restrictions of use in Great Britain (see regulation 13). The 2017 Regulations are also amended as they apply in Northern Ireland to clarify that an authorised representative can draw up the EU declaration of conformity and affix the CE marking, for products placed on the NI market, in line with the provisions of the relevant EU legislation (see regulation 16).

Explanations

What did any law do before the changes to be made by this instrument?

- 7.9 The UK's legislative framework for product safety and legal metrology operates via regulations covering specific product sectors (such as toys, electrical equipment or weighing and measuring instruments) or general safety regulations which apply where there is no product-specific product regulation. These regulations are there to provide protection for UK consumers and other end users, and to ensure only safe or accurate products are placed on the market. They also make provisions to correct or remove unsafe or inaccurate products from the market so that consumers and other end users have reassurance about the safety and accuracy of products.
- 7.10 To prepare for leaving the EU and the end of the Implementation Period (IP), the Department introduced a package of legislation, with the aim of ensuring the continuation of an effective and functioning domestic regulatory framework for product safety and legal metrology, as well as compliance with the Withdrawal Agreement and the Protocol on Ireland/Northern Ireland in the Withdrawal Agreement. The 2019 Regulations were a significant element of this package of legislation, amending the UK's product safety and legal metrology regulations as they apply to Great Britain, in addition to other retained EU law, to achieve these objectives.

7.11 Subsequently, the 2020 Regulations implemented changes to earlier EU Exit legislation (including the 2019 Regulations) and directly to the UK's product safety and metrology regulations. The 2020 Regulations included provisions which set a date to end continued acceptance of certain products meeting EU requirements and markings to 12 months from end of the IP, until 31 December 2021, and labelling easements to 12 months beyond that date, until 31 December 2022. They also made changes required to support implementation of the Withdrawal Agreement. In particular, the 2020 Regulations made provision implementing the Protocol on Ireland/Northern Ireland, which provides that Northern Ireland continues to follow some EU law, including product safety and metrology legislation. With regard to the Radio Equipment Regulations 2017, these were made under section 2(2) of the European Communities Act 1972. They have been amended by the 2019 Regulations, which included inserting regulation 18C, which is a power to amend regulation 14.

Why is it being changed?

7.12 The extension provisions of this instrument are being introduced to ensure businesses have sufficient time to comply with new UKCA marking requirements, recognising the impact of the COVID-19 pandemic on readiness to transition to the new regime. There is no change in policy as acceptance of products meeting EU requirements remains time-limited, however, additional time is needed in view of the unexpected challenges to businesses caused by COVID-19 preventing them from adapting to the new requirements of the UKCA regime.

7.13 The technical amendments to some product safety and metrology regulations are being made to ensure those regulations operate fully as intended for the end of the IP.

What will it now do?

7.14 This instrument provides sufficient time for businesses to comply with UKCA marking requirements by extending acceptance of certain products meeting EU requirements and markings by 12 months until 31 December 2022, and easements allowing businesses to affix the UKCA marking on a label or accompanying document by 12 months until 31 December 2023.

7.15 Additionally, technical amendments being made to the underlying regulations will provide the necessary clarity and certainty for business, where references or provisions made by earlier EU Exit legislation did not deliver this or work fully as intended.

8. European Union Withdrawal and Future Relationship

8.1 This instrument is partly being made using the power in section 8 of the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively or other deficiencies arising from the withdrawal of the UK from the EU. The instrument is also partly made under the power in section 8C of and in paragraph 21 of Schedule 7 to that Act. In accordance with the requirements of that Act, the Minister has made the relevant statements as detailed in Part 2 of the Annex to this Explanatory Memorandum.

8.2 Alongside the EU (Withdrawal) Act 2018 powers the instrument is also being made under regulation 18C of the Radio Equipment Regulations 2017. In accordance with the requirements of the European Union (Withdrawal) Act 2018 the Minister has made a statement setting out the good reasons for making these changes.

9. Consolidation

9.1 There are no plans to consolidate the legislation amended by this instrument.

10. Consultation outcome

10.1 A formal consultation has not been completed for this instrument. The Department chose not to undertake a public consultation given that its provisions are limited to extending existing transitional arrangements each by a further 12 months. Additionally, it makes only necessary technical amendments to product safety and metrology legislation to address failures in retained EU and UK law, ensuring it operates effectively as a result of EU Exit and implements the requirements of the Withdrawal Agreement, including the Protocol on Ireland/Northern Ireland.

10.2 The Department has, however, undertaken extensive engagement with a variety of stakeholders, including manufacturers and Trade Associations, and UK approved bodies across a range of sectors to monitor business readiness and product testing capacity in the UK, which has and continues to inform policy development.

11. Guidance

11.1 Following the Government's announcement on 24 August 2021 to extend transitional arrangements each by 12 months, the Department updated guidance on 24 August 2021 regarding how to use the UKCA marking for businesses placing products on the market in Great Britain on the 'Brexit: business guidance' section of GOV.UK (<https://www.gov.uk/guidance/using-the-ukca-marking>).

11.2 There is guidance on the UK's product safety and metrology framework, provided to support businesses, enforcement agencies and consumers, which can be found on the Office for Product Safety and Standards section of GOV.UK (<https://www.gov.uk/government/organisations/office-for-product-safety-and-standards>).

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 A full Impact Assessment has not been prepared for this instrument because the annual net costs will be de-minimis.

12.4 The impact of the 2020 Regulations, which in part amended the 2019 Regulations to set an end date for continued acceptance of certain products meeting EU requirements and markings (where there was previously no time limit) and introduced the provision for labelling easements, was classified as de-minimis.

12.5 This instrument is making a relatively smaller change than the earlier amendments to the 2020 Regulations (i.e. an additional 12-month period vs setting a 12-month period from an undefined time-limited period). The measure will impact a subset of the original business population in scope of the 2020 Regulations as some businesses will have already implemented the changes. Therefore, the annual net costs for this instrument are also assessed to be de-minimis.

12.6 The counterfactual in our assessment, is that businesses will have to comply with new UKCA requirements associated with ending acceptance of certain products meeting EU requirements and markings on the market in Great Britain by the end of 2021.

However, because of unexpected challenges businesses have faced due to COVID-19, this has affected readiness to transition to the UK's new regime. Our engagement with stakeholders suggests that some businesses have not complied with the changes yet. Because of their lack of readiness, and product testing capacity in some sectors, they may not be ready to do so for the end of the year, which could cause some potential market disruption with wider public health, safety, and economic impacts.

- 12.7 Similarly to the de-minimis impact assessment for the 2020 Regulations, three key components feature in the assessment of this instrument: acquiring conformity assessment certificates from UK bodies if they are currently with non-UK bodies (i.e., transferring certificates to UK bodies); changes to product safety marking and labelling; and costs associated with businesses familiarising themselves with the changes in legislation.
- 12.8 For conformity assessment certification transfers, this will be a net benefit to businesses because businesses who still hold conformity assessment certificates with EU conformity assessment bodies will have an additional 12 months to transfer them to UK bodies carrying out conformity assessment. For product marking and labelling changes, there will also be a net benefit to businesses. This is because some businesses will have their normal product development cycle in 2022, meaning that they will not incur additional costs of adding the marking changes outside of their normal cycle. Also, manufacturers can make use of removable marking and labelling for an additional year to the end of 2023. Finally, for familiarisation costs, this will be a net cost to businesses. Overall, the combination of the impact of these three components results in annual net costs that are de-minimis.
- 12.9 Without this instrument, there may also be impacts and costs for businesses associated with possible market disruption, for example being unable to place goods on the market and the wider impacts this can have, like reduced product availability and/or higher prices. Despite significant engagement with businesses and other stakeholders it has not been possible to quantify these impacts due to uncertainties over the scale of products affected and the extent to which sales would be forgone rather than delayed.

13. Regulating small business

- 13.1 The legislation applies to activities that are undertaken by small businesses.
- 13.2 No specific action is proposed to minimise the regulatory burdens on small businesses.
- 13.3 The legal requirements on the industry do not differentiate between business in terms of their size and they are dependent on the type and nature of products being manufactured and placed on the market. Therefore, we are unable to take any mitigating actions to reduce burdens on small business.

14. Monitoring & review

- 14.1 The Department does not intend to monitor this instrument.
- 14.2 As this instrument is made under the European Union (Withdrawal) Act 2018, no review clause is required. The Radio Equipment Regulations 2017 already include a review clause in regulation 76 and therefore section 28 of the Small Business Enterprise and Employment Act 2015 do not apply (see s. 28(3)(e)).

15. Contact

- 15.1 Matthew Ireland at the Department for Business, Energy and Industrial Strategy Telephone: 07786432748 or email: OPSSlegislation@beis.gov.uk can be contacted with any queries regarding this instrument.
- 15.2 Rosanna Wong, Deputy Director Trade and Investment Negotiations (Goods), at the Department for Business, Energy and Industrial Strategy can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Paul Scully MP, Parliamentary Under Secretary of State (Minister for Small Business, Consumers and Labour Markets) at the Department for Business, Energy and Industrial Strategy can confirm that this Explanatory Memorandum meets the required standard.

Annex

Statements under the European Union (Withdrawal) Act 2018 and the European Union (Future Relationship) Act 2020

Part 1A

Table of Statements under the 2018 Act

This table sets out the statements that may be required under the 2018 Act.

Statement	Where the requirement sits	To whom it applies	What it requires
Sifting	Paragraphs 3(3), 3(7) and 17(3) and 17(7) of Schedule 7	Ministers of the Crown exercising sections 8(1) or 23(1) to make a Negative SI	Explain why the instrument should be subject to the negative procedure and, if applicable, why they disagree with the recommendation(s) of the SLSC/Sifting Committees
Appropriateness	Sub-paragraph (2) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1) or 23(1) or jointly exercising powers in Schedule 2	A statement that the SI does no more than is appropriate.
Good Reasons	Sub-paragraph (3) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1) or 23(1) or jointly exercising powers in Schedule 2	Explain the good reasons for making the instrument and that what is being done is a reasonable course of action.
Equalities	Sub-paragraphs (4) and (5) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1) or 23(1) or jointly exercising powers in Schedule 2	Explain what, if any, amendment, repeals or revocations are being made to the Equalities Acts 2006 and 2010 and legislation made under them. State that the Minister has had due regard to the need to eliminate discrimination and other conduct prohibited under the Equality Act 2010.
Explanations	Sub-paragraph (6) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1) or 23(1) or jointly exercising powers in Schedule 2 In addition to the statutory obligation the Government has made a political commitment to include these statements alongside all EUWA SIs	Explain the instrument, identify the relevant law before IP completion day, explain the instrument's effect on retained EU law and give information about the purpose of the instrument, e.g., whether minor or technical changes only are intended to the EU retained law.
Criminal offences	Sub-paragraphs (3) and (7) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1) or	Set out the 'good reasons' for creating a criminal offence, and the penalty attached.

		23(1) or jointly exercising powers in Schedule 2 to create a criminal offence	
Sub-delegation	Paragraph 30, Schedule 7	Ministers of the Crown exercising section 8 or part 1 of Schedule 4 to create a legislative power exercisable not by a Minister of the Crown or a Devolved Authority by Statutory Instrument.	State why it is appropriate to create such a sub-delegated power.
Urgency	Paragraph 34, Schedule 7	Ministers of the Crown using the urgent procedure in paragraphs 5 or 19, Schedule 7.	Statement of the reasons for the Minister's opinion that the SI is urgent.
Scrutiny statement where amending regulations under 2(2) ECA 1972	Paragraph 14, Schedule 8	Anybody making an SI after IP completion day under powers conferred before the start of the 2017-19 session of Parliament which modifies subordinate legislation made under s. 2(2) ECA	Statement setting out: a) the steps which the relevant authority has taken to make the draft instrument published in accordance with paragraph 16(2), Schedule 8 available to each House of Parliament, b) containing information about the relevant authority's response to— (i) any recommendations made by a committee of either House of Parliament about the published draft instrument, and (ii) any other representations made to the relevant authority about the published draft instrument, and, c) containing any other information that the relevant authority considers appropriate in relation to the scrutiny of the instrument or draft instrument which is to be laid.
Explanations where amending regulations under 2(2) ECA 1972	Paragraph 15, Schedule 8	Anybody making an SI after IP completion day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA	Statement explaining the good reasons for modifying the instrument made under s. 2(2) ECA, identifying the relevant law before IP completion day, and explaining the instrument's effect on retained EU law.

Part 1B

Table of Statements under the 2020 Act

This table sets out the statements that may be required under the 2020 Act.

Statement	Where the requirement sits	To whom it applies	What it requires
Sifting	Paragraph 8 Schedule 5	Ministers of the Crown exercising section 31 to make a Negative SI	Explain why the instrument should be subject to the negative procedure and, if applicable, why they disagree with the recommendation(s) of the SLSC/Sifting Committees

Part 2

Statements required under the European Union (Withdrawal) 2018 Act or the European Union (Future Relationship) Act 2020

1. Sifting statement(s)

- 1.1 The Parliamentary Under Secretary of State (Minister for Small Business, Consumers and Labour Markets), Paul Scully, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view the Product Safety and Metrology etc. (Amendment) Regulations 2021 should be subject to annulment in pursuance of a resolution of either House of Parliament (i.e. the negative procedure).”

- 1.2 This is the case because, as detailed in sections 2 and 7 of this Memorandum, the instrument makes only the necessary changes to extend acceptance of certain products meeting EU requirements and markings, and existing labelling easements each for a further 12 months. Additionally, it makes only necessary technical changes to some provisions of product safety and metrology legislation to address deficiencies arising from the withdrawal of the United Kingdom from the European Union and to implement the Protocol on Ireland/Northern Ireland in the Withdrawal Agreement. These changes are not considered controversial, and their legal effect is not complex. They make no changes to the operation of the regulations they amend beyond amending the law to achieve these aims.

2. Appropriateness statement

- 2.1 The Parliamentary Under Secretary of State (Minister for Small Business, Consumers and Labour Markets), Paul Scully, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view the Product Safety and Metrology etc. (Amendment) Regulations 2021 does no more than is appropriate.”

- 2.2 This is the case because the instrument makes only those changes necessary to extend acceptance of certain products meeting EU requirements and markings, and existing labelling easements each for a further 12 months and to make the necessary technical changes to some provisions of product safety and metrology legislation to address deficiencies arising from the withdrawal of the United Kingdom from the European Union.

3. Good reasons

- 3.1 The Parliamentary Under Secretary of State (Minister for Small Business, Consumers and Labour Markets), Paul Scully, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view there are good reasons for the provisions in this instrument, and I have concluded they are a reasonable course of action.”

- 3.2 These are that this Instrument makes appropriate amendments to domestic legislation to address deficiencies arising from the withdrawal of the United Kingdom from the European Union. The amendments relying on section 8(1) of the European Union (Withdrawal) Act 2018 are limited to achieving that purpose. Details as to the purpose

of this Instrument are explained in paragraphs 7.1 to 7.7 of this Explanatory Memorandum. The relevant background law is explained in paragraphs 7.9 to 7.11 of this Explanatory Memorandum. The effect on retained EU law is explained in paragraphs 7.12 to 7.15 of this Explanatory Memorandum.

4. Equalities

4.1 The Parliamentary Under Secretary of State (Minister for Small Business, Consumers and Labour Markets), Paul Scully, has made the following statement:

“This instrument does not amend, repeal, or revoke a provision or provisions in the Equality Act 2006 or the Equality Act 2010 or subordinate legislation made under those Acts.”

4.2 The Parliamentary Under Secretary of State (Minister for Small Business, Consumers and Labour Markets), Paul Scully, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In relation to this instrument, I, Paul Scully, Parliamentary Under Secretary of State (Minister for Small Business, Consumers and Labour Markets) have had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.”

“The Equalities Acts do not extend to Northern Ireland, and as some provisions of the Product Safety and Metrology etc. (Amendment) Regulations 2021 extend to Northern Ireland, I have also given due regard to the need to eliminate discrimination, harassment and victimisation in relation to Northern Ireland.”

5. Explanations

5.1 The explanations statement has been made in sections 2 and 7 of the main body of this explanatory memorandum.

6. Explanations where amending or revoking regulations etc. made under section 2(2) of the European Communities Act 1972

6.1 The Parliamentary Under Secretary of State (Minister for Small Business, Consumers and Labour Markets), Paul Scully, has made the following statement regarding regulations made under the European Communities Act 1972:

“In my opinion there are good reasons for the Product Safety and Metrology etc. (Amendment) Regulations 2021 to amend the Radio Equipment Regulations 2017 made under section 2(2) of the European Communities Act 1972 which are being amended. This is because the provisions to which this statement relates use a power in the Radio Equipment Regulations 2017 to make changes regarding information on restrictions and authorisations for use, which are discrete yet important changes to assist the circulation of goods on the market whilst ensuring consumers are properly informed.”