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STATUTORY INSTRUMENTS

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**2021 No. 1273**

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

**PART 3**

Provisions in respect of England and Wales and Scotland

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

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

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

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

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

10. In Schedule 2 of the Pressure Equipment (Safety) Regulations 2016(2)—
  - (a) in the following paragraphs for “notified” substitute “approved”—
    - (i) paragraph 6(2);
    - (ii) paragraph 31(5);
  - (b) in paragraph 21(3)(a) for “a notified” substitute “an approved”.

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

- 11.—(1) The Non-automatic Weighing Instruments Regulations 2016 are amended as follows.
- (2) In regulation 4A (transitional provisions in relation to EU exit), at the end insert—
  - “(5) Where paragraph (6) applies to a regulated non-automatic weighing instrument, regulations 67 and 68 have effect subject to the modifications in paragraph (7).
  - (6) This paragraph applies to a regulated non-automatic weighing instrument that has been placed on the market—
    - (a) during the pre-exit period; or

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

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

- (b) pursuant to Article 41 of the EU withdrawal agreement.
- (7) The modifications referred to in paragraph (5) are that—
  - (a) the reference in regulation 67(1)(a) to “UK marking” is to be read as a reference to the CE marking within the meaning of Article 2(19) of the Directive;
  - (b) the reference in regulation 67(1)(b) to “M marking” is to be read as a reference to the supplementary metrology marking as described in Article 16(2) of the Directive;
  - (c) the reference in regulation 67(1)(c) to “approved body” is to be read as a reference to the body that undertook any conformity assessment procedure in accordance with Article 13 of the Directive;
  - (d) the references in regulations 67(2)(b) and 68(4)(b) to “type examination certificate” are to be read as references to an EU-type examination certificate, issued in accordance with the conformity assessment procedure set out in point 1 of Annex II to the Directive, known as “Module B”.
- (3) In regulation 32A(8)(h), at the beginning insert “except in relation to regulation 68,”.
- (4) In regulation 32C—
  - (a) in paragraph (1), for “paragraph (2)” substitute “paragraphs (2) and (6)”;
  - (b) in paragraph (3), for “paragraph (4)” substitute “paragraphs (4) and (6)”;
  - (c) after paragraph (5), insert—
    - “(6) regulations 67 and 68 continue to have effect in relation to any non-automatic weighing instrument—
      - (a) placed on the market pursuant to 32A; or
      - (b) in relation to which a manufacturer has undertaken a conformity assessment procedure in accordance with regulation 32B,
 as if regulations 32A or 32B had not expired.”.
- (5) After regulation 32D(3), insert—
  - “(3A) After a non-automatic weighing instrument has been placed on the market pursuant to this regulation, regulations 67 and 68 are to be read in relation to that instrument subject to the following modifications—
    - (a) the reference in regulation 67(1)(a) to “UK marking” is to be read as a reference to the CE marking, within the meaning of regulation 2(1) as it applies in Northern Ireland;
    - (b) the reference in regulation 67(1)(b) to “M marking”, is to be read as a reference to the M Marking as defined in regulation 2(1), as it applies in Northern Ireland;
    - (c) the reference in regulation 67(1)(c) to “approved body” is to be read as a reference to a “notified body” as defined in regulation 2(1), as it applies in Northern Ireland;
    - (d) the references in regulations 67(2)(a) and 68(4)(a) to “essential requirements” are to be read as the essential requirements within the meaning of that term in regulation 2(1), as it applies in Northern Ireland; and
    - (e) the references in regulations 67(2)(b) and 68(4)(b) to “type examination certificate” is to be read as a reference to an EU-type examination certificate as defined in regulation 2(1), as it applies in Northern Ireland.”.
- (6) In regulation 68 (re-qualification)—
  - (a) in paragraph (3)(c), for “a UK” substitute “an”;
  - (b) at the end, insert—

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

- (a) the letters indicating the status of the requalification authority, as follows—
  - (i) “INS” if the requalification authority is an inspector;
  - (ii) “AV” if the requalification authority is an approved verifier;
  - (iii) “AB” if the requalification authority is an approved body for module F or F1 in Schedule 7; or
  - (iv) “AM” if the requalification authority is a manufacturer whose quality system has been approved by an approved body under module D or D1 of Schedule 7 for the purposes of re-qualification;
- (b) the identification number of the requalification authority;
- (c) the year of re-qualification in numerical form; and
- (d) the letters “GB” or, where the instrument was placed on the market pursuant to regulation 32D (Qualifying Northern Ireland Goods), the letters “QNIG”.

(10) In this regulation—

- (a) “identification number of the requalification authority” means—
  - (i) where the requalification authority is an inspector or approved verifier, the number used to identify them in connection with their approval by or under section 11 of the Weights and Measures Act 1985 (certain equipment to be passed and stamped by inspector);
  - (ii) where the requalification authority is an approved body, the identification number assigned to it pursuant to regulation 53(1)(a);
  - (iii) where the requalification authority is a manufacturer whose quality system has been approved by an approved body under module D or D1 of Schedule 7 for the purposes of re-qualification, the requalification authority identification number assigned to it by the Secretary of State;
- (b) the re-qualification mark and the information accompanying it required by paragraph (9) may be affixed to a regulated non-automatic weighing instrument by affixing to the instrument a label which clearly, legibly and indelibly bears the re-qualification mark and that accompanying information.”.

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

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

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

(3) In regulation 33C—

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

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

- (a) placed on the market pursuant to 33A; or
- (b) in relation to which a manufacturer has undertaken a conformity assessment procedure in accordance with regulation 33B,

as if regulations 32A or 33B had not expired.”.

(4) After regulation 33D(3), insert—

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

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

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

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

- (a) the letters indicating the status of the requalification authority, as follows—
  - (i) “INS” if the requalification authority is an inspector;
  - (ii) “AV” if the requalification authority is an approved verifier;
- (b) the number used to identify the inspector or approved verifier in connection with their approval by or under section 11 of the Weights and Measures Act 1985 (certain equipment to be passed and stamped by inspector);
- (c) the year of re-qualification in numerical form; and
- (d) the letters “GB” or, where the instrument was placed on the market pursuant to regulation 33D (Qualifying Northern Ireland Goods), the letters “QNIG”.

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

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

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

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

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

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

- (a) the reference in regulation 72(2)(a) to “UK marking” is to be read as a reference to the CE marking within the meaning of Article 4(22) of the Directive;

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

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

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

(a) for paragraph (1) substitute—

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

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

(c) omit paragraph (3).

(2) Commission Implementing Regulation (EU) 2017/1354 specifying how to present the information provided for in Article 10(10) of [Directive 2014/53/EU](#) of the European Parliament and the Council<sup>(3)</sup> is amended as follows—

(a) omit Article 2(1);

(b) in Article 2(2) omit from “, the geographical area” to “as well as”;

(c) omit Annex 1.

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(3) EUR 2017/1354, as amended by [S.I. 2019/696](#).