

SCHEDULE 31

Amendment of the Making Available on the Market and Supervision of Transfers of Explosives Regulations (Northern Ireland) 2016

Transitional provision in relation to EU Exit

29. After regulation 45 (transitional provisions) insert—

“Transitional provision in relation to EU Exit

45A.—(1) In this regulation—

“pre-exit period” means the period beginning with 20th April 2016 and ending immediately before exit day;

“product” means a civil explosive to which these Regulations apply.

(2) Subject to paragraph (3), where a product was made available on the market during the pre-exit period, despite the amendments made by Schedule 31 to the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019⁽¹⁾, any obligation to which a person was subject under these Regulations as they had effect immediately before exit day, continues to have effect as it did immediately before exit day, in relation to that product.

(3) Paragraph (2) does not apply to—

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

(4) Where during the pre-exit period—

- (a) a product has not been placed on the market; and
- (b) a manufacturer has taken any action under regulation 6 as it had effect immediately before exit day in relation to that product,

that action has effect as if it had been done under regulation 6 as it had effect on and after exit day.”.

(1) S.I. 2019/XXXX.