

STATUTORY INSTRUMENTS

2002 No. 618

The Medical Devices Regulations 2002

PART III

Active Implantable Medical Devices

Scope of Part III **E+W+S**

21.—^{F1}[(1)] The requirements of this Part in respect of relevant devices apply in respect of active implantable medical devices and accessories to such devices, ^{F2}...

^{F3}(2) Where a hazard exists, devices which are also machinery shall also meet the essential health and safety requirements set out in ^{F4}[Part 1 of Schedule 2 to the Supply of Machinery (Safety) Regulations 2008] to the extent to which those essential health and safety requirements are more specific than the essential requirements set out in Annex I to Directive 90/385.

^{F5}(3) Where an active implantable device is intended to administer a medicinal product, that device must be governed by this Part without prejudice to the provisions of the Human Medicines Regulations 2012.]]

^{F6}(4)

Extent Information

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

Textual Amendments

- F1** Reg. 21 renumbered as reg. 21(1) (21.3.2010) by [The Medical Devices \(Amendment\) Regulations 2008 \(S.I. 2008/2936\)](#), reg. 1(1), **12(a)**
- F2** Words in reg. 21(1) omitted (E.W.S.) (11.8.2021) by virtue of [The Medical Devices \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/873\)](#), reg. 1(1), **Sch. 1 para. 11(a)**
- F3** Reg. 21(2)(3) added (21.3.2010) by [The Medical Devices \(Amendment\) Regulations 2008 \(S.I. 2008/2936\)](#), reg. 1(1), **12(b)**
- F4** Words in reg. 21(2) substituted (E.W.S.) (31.12.2020) by [The Medical Devices \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/791\)](#), reg. 1(1), **5(2)(a)** (as amended by S.I. 2020/1478, reg. 1(3), Sch. 2 para. 2); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Reg. 21(3) substituted (E.W.S.) (11.8.2021) by [The Medical Devices \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/873\)](#), reg. 1(1), **Sch. 1 para. 11(b)**
- F6** Reg. 21(4) omitted (E.W.S.) (11.8.2021) by virtue of [The Medical Devices \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/873\)](#), reg. 1(1), **Sch. 1 para. 11(c)**

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. **Skip to:** E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent

Changes to legislation: The Medical Devices Regulations 2002, Section 21 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Scope of Part III **N.I.**

21.—^[F7](1) The requirements of this Part in respect of relevant devices apply in respect of active implantable medical devices and accessories to such devices, except for devices that come within the scope of Directive 90/385 and another Directive (“the other Directive”) issued by one or more of the institutions of the Community, and

- (a) the other Directive includes a provision allowing the manufacturer of the device to choose, during a transitional period that has not ended, which set of arrangements applies to it; and
- (b) the manufacturer chooses to follow the set of arrangements in the other Directive.

^[F8](2) Where a hazard exists, devices which are also machinery shall also meet the essential health and safety requirements set out in Annex I to that Directive to the extent to which those essential health and safety requirements are more specific than the essential requirements set out in Annex I to Directive 90/385.

(3) Where an active implantable medical device is intended to administer a medicinal product, that device shall be governed by Directive 90/385 without prejudice to the provisions of Directive [2001/83/EC](#).]

Extent Information

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

Textual Amendments

- F7** Reg. 21 renumbered as reg. 21(1) (21.3.2010) by [The Medical Devices \(Amendment\) Regulations 2008 \(S.I. 2008/2936\)](#), regs. 1(1), **12(a)**
- F8** Reg. 21(2)(3) added (21.3.2010) by [The Medical Devices \(Amendment\) Regulations 2008 \(S.I. 2008/2936\)](#), regs. 1(1), **12(b)**

Status:

There are multiple versions of this provision on screen. These apply to different geographical extents.

Skip to:

- E+W+S - England, Wales and Scotland extent
- N.I. - Northern Ireland extent

Changes to legislation:

The Medical Devices Regulations 2002, Section 21 is up to date with all changes known to be in force on or before 20 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Pt. 8 inserted by [S.I. 2019/791 reg. 10](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 10 omitted immediately before IP completion day by virtue of S.I. 2020/1478, regs. 1(3), Sch. 2 para. 54)
- Pt. 9 inserted by [S.I. 2019/791 reg. 11](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 11 omitted immediately before IP completion day by virtue of S.I. 2020/1478, regs. 1(3), Sch. 2 para. 55)
- Sch. 3 inserted by [2021 c. 3 Sch. 3 para. 2](#)
- Sch. 19 para. 5 words substituted by S.I. 2019/791, reg. 12 (as amended) by [S.I. 2019/1385 Sch. 2 para. 11\(2\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 paras. 9-11 omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(c))
- Sch. 19 para. 5 words substituted by S.I. 2019/791, reg. 12 (as amended) by [S.I. 2019/1385 Sch. 2 para. 11\(2\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 paras. 9-11 omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(c))
- Sch. 24 para. 1(7) heading words omitted by virtue of S.I. 2019/791, reg. 12 (as amended) by [S.I. 2019/1385 Sch. 2 para. 11\(3\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 paras. 9-11 omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(c))
- Sch. 24 para. 1(7) words omitted by virtue of S.I. 2019/791, reg. 12 (as amended) by [S.I. 2019/1385 Sch. 2 para. 11\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 paras. 9-11 omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(c))
- reg. 4D(10)(b) substituted by S.I. 2019/791, reg. 3(7) (as amended) by [S.I. 2019/1385 Sch. 2 para. 2\(3\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 para. 2(3) omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(a)(ii))
- reg. 4E(7) words substituted by S.I. 2019/791, reg. 3(7) (as amended) by [S.I. 2019/1385 Sch. 2 para. 2\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 para. 2(3) omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(a)(ii))
- reg. 6(d) inserted by [S.I. 2019/791 reg. 4\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 4(2) omitted immediately before IP completion day by S.I. 2020/1478, regs. 1(3), Sch. 2 para. 10)
- reg. 33(1)(c) inserted by [S.I. 2019/791 reg. 6\(2\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 6(2) omitted immediately before IP completion day by S.I. 2020/1478, regs. 1(3), Sch. 2 para. 35)

- reg. 33(2)(c) inserted by [S.I. 2019/791 reg. 6\(2\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 6(2) omitted immediately before IP completion day by S.I. 2020/1478, regs. 1(3), Sch. 2 para. 35)
- reg. 60A excluded by [2021 c. 3 Sch. 2 para. 4](#)
- reg. 60A excluded by [2021 c. 3 Sch. 2 para. 5\(2\)](#)
- reg. 60A-60C inserted by [2021 c. 3 Sch. 3 para. 1](#)
- reg. 75(3) words inserted by S.I. 2019/791, reg. 10 (as amended) by [S.I. 2019/1385 Sch. 2 para. 9\(2\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 paras. 9-11 omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(c))
- reg. 75(7) inserted by S.I. 2019/791, reg. 10 (as amended) by [S.I. 2019/1385 Sch. 2 para. 9\(2\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 paras. 9-11 omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(c))
- reg. 93(4) inserted by S.I. 2019/791, reg. 10 (as amended) by [S.I. 2019/1385 Sch. 2 para. 9\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 paras. 9-11 omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(c))
- reg. 119(6) words inserted by S.I. 2019/791, reg. 10 (as amended) by [S.I. 2019/1385 Sch. 2 para. 9\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 paras. 9-11 omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(c))
- reg. 124(5) words substituted by S.I. 2019/791, reg. 10 (as amended) by [S.I. 2019/1385 Sch. 2 para. 9\(5\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 paras. 9-11 omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(c))
- reg. 149(5)(e) words substituted by S.I. 2019/791, reg. 11 (as amended) by [S.I. 2019/1385 Sch. 2 para. 10\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 paras. 9-11 omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(c))
- reg. 158(1) substituted by S.I. 2019/791, reg. 11 (as amended) by [S.I. 2019/1385 Sch. 2 para. 10\(3\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 paras. 9-11 omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(c))
- reg. 158(3) inserted by S.I. 2019/791, reg. 11 (as amended) by [S.I. 2019/1385 Sch. 2 para. 10\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 2 paras. 9-11 omitted (9.12.2020) by virtue of S.I. 2020/1478, regs. 1(2), 4(2)(c))