

SCHEDULE 3

REVOCATIONS AND TRANSITIONAL AND CONSEQUENTIAL PROVISIONS

[^{F1}Transitional provisions relating to UK withdrawal from the EU

2A.—(1) In this regulation—
“pre-exit period” means the period beginning with the commencement date and ending immediately before IP completion day;

(2) Subject to paragraph (3), where a regulated measuring instrument was made available on the market during the pre-exit period, despite the amendments made by Schedule 27 of the Product Safety and Metrology (Amendment etc.) (EU Exit) Regulations 2019, any obligation to which a person was subject under these Regulations as they had effect immediately before IP completion day, continues to have effect as it did immediately before IP completion day, in relation to that regulated measuring instrument.

(3) Paragraph (2) does not apply to—

- (a) any obligation of any competent authority to inform the European Commission or Member States of any matter; or
- (b) any obligation to take action outside of the United Kingdom in respect of that regulated measuring instrument.

(4) Where during the pre-exit period—

- (a) a regulated measuring instrument has not been placed on the market; and
- (b) a manufacturer has taken any action under regulation 39 as it had effect immediately before IP completion day in relation to that regulated measuring instrument,

that action has effect as if it had been done under regulation 39 as it had effect on and after IP completion day.

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^{F2}(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

Changes to legislation: The Measuring Instruments Regulations 2016, Paragraph 2A is up to date with all changes known to be in force on or before 14 June 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

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.]

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- ^{F3}(8) Subject to paragraph (9), where before 11pm on 31st December 2024—
- (a) a regulated measuring instrument has not been placed on the market; and
 - (b) a manufacturer has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 17 of the Directive
- that action has effect as if it had been done under the applicable conformity assessment procedure referred to in regulation 39(1).
- (9) Paragraph (8) does not apply—
- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
 - (b) in any event, after 31st December 2027.]]

Textual Amendments

- F1** Sch. 3 para. 2A inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 27 para. 50(a)** (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/852, reg. 4(2), **Sch. 1 para. 1(p)(v)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F2** Sch. 3 para. 2A(5)-(7) inserted (E.W.S.) (9.12.2021) by [The Product Safety and Metrology etc. \(Amendment\) Regulations 2021](#) (S.I. 2021/1273), regs. 1, **12(6)**
- F3** Sch. 3 para. 2A(8)(9) inserted (E.W.S.) (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022](#) (S.I. 2022/1393), regs. 1(1), **18(2)**

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 3 para. 2A(4) omitted by [S.I. 2024/696 reg. 18\(5\)\(a\)](#)
- Sch. 3 para. 2A(8) omitted by [S.I. 2024/696 reg. 18\(5\)\(a\)](#)
- Sch. 3 para. 2A(9) omitted by [S.I. 2024/696 reg. 18\(5\)\(a\)](#)
- Sch. 3 para. 2A(7)(c) word substituted by [S.I. 2024/696 reg. 18\(5\)\(b\)](#)