

2019 No. 1347

EXITING THE EUROPEAN UNION
TRANSPORT

**The Cableway Installations (Amendment) (EU Exit)
Regulations 2019**

Made - - - - - *14th October 2019*

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 1 of Schedule 4 and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018^(a).

In accordance with paragraphs 1(1) and 12(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, a draft of these Regulations has been laid before Parliament and approved by resolution of each House of Parliament.

In accordance with paragraph 3 of Schedule 4 to the European Union (Withdrawal) Act 2018 these Regulations are made with the consent of the Treasury.

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Cableway Installations (Amendment) (EU Exit) Regulations 2019 and come into force on exit day.

(a) 2018 c. 16; the Secretary of State, as a Minister of the Crown, is an “appropriate authority” for the purposes of paragraph 1 of Schedule 4, by virtue of paragraph 2(1) of that Schedule.

PART 2

Amendment of subordinate legislation

Amendments to the Cableway Installations Regulations 2018

2. The Cableway Installations Regulations 2018^(a) are amended in accordance with regulations 3 to 11.

Amendment to regulation 3

3. In regulation 3—

- (a) after the definition of “Regulation 2016/424/EU” insert—
 - ““approved body” means a conformity assessment body—
 - (a) which has been approved by the Secretary of State under Article 22 of Regulation 2016/424/EU; or
 - (b) which was a notified body under these Regulations immediately before exit day;”;
- (b) after the definition of “conformity assessment body” insert—
 - ““declaration of conformity” means the declaration of conformity referred to in Article 19 of Regulation 2016/424/EU;”;
- (c) omit the definition of “EU declaration of conformity”;
- (d) omit the definition of “notified body”;
- (e) in the definition of “technical file” for “EU declaration” substitute “declaration”.

Amendment to Part 3 heading

4. In the heading to Part 3, for “Notified” substitute “Approved”.

Omission of regulation 9

5. Omit regulation 9.

Amendment to regulation 10

6. In regulation 10—

- (a) in the heading, for “Notification” substitute “Approval”;
- (b) omit paragraph (1);
- (c) in paragraph (2), for “notification” substitute “approval”;
- (d) in paragraph (3), for “notified under Article 22 of Regulation 2016/424/EU” substitute “approved”;
- (e) in paragraph (5)—
 - (i) for “notify” substitute “approve”,
 - (ii) for “notification to the European Commission and the other member States” substitute “approval”, and
 - (iii) for “a notified body” substitute “an approved body”;
- (f) in paragraph (6), for “a notified body”, in both places, substitute “an approved body”;
- (g) in paragraph (7)—
 - (i) for “a notified body” substitute “an approved body”, and

(a) S.I. 2018/816

- (ii) for “the notified body”, in each place, substitute “the approved body”;
- (h) in paragraph (8)—
 - (i) for “a notified body”, in each place, substitute “an approved body”, and
 - (ii) for “another notified body” substitute “another approved body”.

Amendment to regulation 11

7. In regulation 11(b), for “notified bodies, in accordance with Article 23(1)” substitute “approved bodies in relation to their compliance with the requirements of Chapter 4”.

Amendment to regulation 12

8. In regulation 12—
- (a) in paragraph (1), for “a notified body” substitute “an approved body”;
 - (b) in paragraph (2), for “the notified body”, in both places, substitute “the approved body”.

Omission of regulations 17 to 19

9. Omit regulations 17 to 19.

Amendment to regulation 20

10. In regulation 20, omit “Regulation 2016/424/EU and”.

Amendment to regulation 23

11. In regulation 23, in paragraph (1) omit sub-paragraph (b) and the “or” which precedes it.

PART 3

Amendment of retained direct EU legislation

Amendments to Regulation (EU) 2016/424

12. Regulation (EU) 2016/424 of the European Parliament and of the Council of 9 March 2016 on cableway installations and repealing Directive 2000/9/EC is amended in accordance with regulations 13 to 59.

Amendment to Article 2

13. In Article 2(2)—
- (a) in point (a) for “Directive 2014/33/EU” substitute “the Lifts Regulations 2016”(a);
 - (b) in point (b) for “by Member States” substitute “by the Cableway Installations Regulations 2018”.

Amendment to Article 3

14. In Article 3—
- (a) in paragraph (10), omit “Union”;
 - (b) in paragraph (11), omit “Union”;

(a) S.I. 2016/1093.

- (c) in paragraph (14), omit “established within the Union”;
- (d) in paragraph (15)—
 - (i) for “established within the Union” substitute “established within the United Kingdom”, and
 - (ii) for “Union market” substitute “market”;
- (e) omit paragraph (19);
- (f) omit paragraph (21);
- (g) omit paragraph (26);
- (h) omit paragraph (27);
- (i) at the end insert—
 - “(28) ‘the EU Regulation’ means Regulation (EU) 2016/424 of the European Parliament and of the Council of 9 March 2016 on cableway installations and repealing Directive 2000/9/EC(a) as that Regulation has effect in EU law as amended from time to time;
 - (29) ‘the Executive’ means—
 - (a) in Great Britain, the Health and Safety Executive(b),
 - (b) in Northern Ireland, the Health and Safety Executive for Northern Ireland(c);
 - (30) ‘designated standard’ has the meaning given by article 3A;
 - (31) ‘RAMS’ means Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93(d);
 - (32) ‘UK marking’ means marking in the form published in accordance with Article 30(1) of RAMS.”.

Designated standards

15. After Article 3 insert—

“Article 3A

Designated Standards

1. For the purposes of this Regulation, a designated standard is a technical standard—
 - (a) which is adopted by the British Standards Institution for repeated or continuous application; and
 - (b) which has been designated by the Secretary of State by publishing its reference number in a manner the Secretary of State considers appropriate.
2. In this Article, a “technical standard” means a document that prescribes technical requirements to be fulfilled by a cableway installation, infrastructure, subsystem or safety component and which lays down one or more of the following—
 - (a) the characteristics required including—
 - (i) levels of quality, performance, interoperability, environmental protection, health, safety or dimensions, and

(a) OJ L 81, 31.3.2016, p. 1.

(b) Established under section 10 of the Health and Safety at Work Act 1974 (c. 37), as substituted by S.I. 2008/960.

(c) Formerly known as the Health and Safety Agency for Northern Ireland which was established under Article 12 of the Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9)). Article 3(1) of the Health and Safety at Work (Amendment) (Northern Ireland) Order 1998 (S.I. 1998/2795 (N.I. 18)) changed its name to the Health and Safety Executive for Northern Ireland.

(d) This Regulation is amended by S.I. 2019/696.

- (ii) requirements applicable as regards the name under which a product is sold, terminology, symbols, testing and test methods, packaging, marking or labelling and conformity assessment procedures;
 - (b) production methods and processes where these have an effect on the characteristics of a product.
3. When considering whether the manner of publication of the reference number of a technical standard under paragraph 1(b) is appropriate, the Secretary of State must have regard to whether that manner will draw sufficient attention to the standard to all persons who may have an interest in it.
 4. The Secretary of State may remove the reference number of a technical standard from publication and where such a reference number is removed, the technical standard is no longer a designated standard.
 5. Harmonised standards, within the meaning of Article 3(19) of the EU Regulation, have effect as designated standards until the Secretary of State designates standards under this Regulation.”.

Substitution of Article 5

16. For Article 5 substitute—

“Article 5

Presumption of conformity of cableway installations

Cableway installations which are in conformity with designated standards, or parts thereof, are presumed to be in conformity with the essential requirements set out in Annex 2 covered by those standards or parts thereof.”.

Omission of Article 7

17. Omit Article 7.

Amendment to Article 8

18. In Article 8(1), omit “, determined by a Member State in accordance with national law,”.

Amendment to Article 9

19. In Article 9—

- (a) omit paragraph 1;
- (b) in paragraph 2—
 - (i) omit “, determined by a Member State in accordance with national law,”; and
 - (ii) for “EU declaration” substitute “declaration”;
- (c) in paragraph 3, for “Member State concerned” substitute “Secretary of State”;
- (d) omit paragraphs 4 and 5.

Omission of Article 10

20. Omit Article 10.

Amendment to Article 11

21. In Article 11—

- (a) for “the EU declaration of conformity”, in each place it occurs, substitute “the declaration of conformity”;
- (b) in paragraph 2—
 - (i) for “an EU declaration of conformity” substitute “a declaration of conformity”, and
 - (ii) for “CE marking” substitute “UK marking”;
- (c) in paragraph 6, for “a language easily understood by users and the market surveillance authorities” substitute “English”;
- (d) in paragraph 7, for the words from “a language” to “Member State concerned” substitute “English”;
- (e) in paragraph 8, for the words from “competent national authorities” to “available on the market” substitute “Executive”;
- (f) in paragraph 9—
 - (i) for “a competent national authority” substitute “the Executive”, and
 - (ii) for “a language which can be easily understood by that authority” substitute “English”.

Amendment to Article 12

22. In Article 12(2)—

- (a) in point (a)—
 - (i) for “EU declaration” substitute “declaration”, and
 - (ii) for “national market surveillance authorities” substitute “the Executive”;
- (b) in point (b), for “a competent national authority” substitute “the Secretary of State”;
- (c) in point (c), for “competent national authorities, at their” substitute “Secretary of State, at the Secretary of State’s”.

Amendment to Article 13

23. In Article 13—

- (a) in paragraph 2—
 - (i) for “CE marking” substitute “UK marking”,
 - (ii) for “EU declaration” substitute “declaration”, and
 - (iii) for “market surveillance authorities” substitute “Executive”;
- (b) in paragraph 3, for “a language easily understood by users and market surveillance authorities” substitute “English”;
- (c) in paragraph 4, for the words from “in a language” to the end substitute “in English”;
- (d) in paragraph 7, for the words from “competent national authorities” to “available on the market” substitute “Secretary of State”;
- (e) in paragraph 8—
 - (i) for “EU declaration” substitute “declaration”,
 - (ii) for “market surveillance authorities” substitute “Executive”, and
 - (iii) for “those authorities” substitute “the Executive”;
- (f) in paragraph 9—
 - (i) for “a competent national authority, provide it” substitute “the Secretary of State, provide the Secretary of State”, and
 - (ii) for “a language which can be easily understood by that authority” substitute “English”.

Amendment to Article 14

24. In Article 14—

- (a) in paragraph 2—
 - (i) for “CE marking” substitute “UK marking”,
 - (ii) for “EU declaration” substitute “declaration”,
 - (iii) for “in a language which can be easily understood by users as determined by the Member State concerned,” substitute “in English”, and
 - (iv) for “market surveillance authorities” substitute “Executive”;
- (b) in paragraph 4, for the words from “competent national authorities” to “on the market” substitute “Secretary of State”;
- (c) in paragraph 5—
 - (i) for “a competent national authority, provide it” substitute “the Secretary of State, provide the Secretary of State”, and
 - (ii) for “that authority, at its”, substitute “the Secretary of State, at the Secretary of State’s”.

Amendment to Article 16

25. In Article 16, for “market surveillance authorities” substitute “Executive”.

Amendment to Article 17

26. In Article 17, for the words from “harmonised standards” to “*European Union*” substitute “designated standards”.

Amendment to Article 18

27. In Article 18—

- (a) in paragraph 2, in point (a), for “EU-type” substitute “Type”;
- (b) in paragraph 3, for the words from “an official language” to the end, substitute “English”.

Amendment to Article 19

28. In Article 19—

- (a) in the heading, for “EU declaration” substitute “Declaration”;
- (b) in each other place it occurs, for “EU declaration” substitute “declaration”;
- (c) in paragraph 2, for the words from “and shall be translated” to the end, substitute “and be in English”;
- (d) for paragraph 3 substitute—

“3. Where a subsystem or a safety component is subject to more than one enactment requiring a declaration of conformity, a single declaration of conformity must be drawn up in respect of all such enactments. That declaration must contain the identification of the enactments concerned.”.

Substitution of Article 20

29. For Article 20 substitute—

“Article 20

Requirements of the UK marking

The UK marking is subject to the requirements set out in Article 30 of, and Annex 2 to, Regulation (EC) No 765/2008(a).”.

Amendment to Article 21

30. In Article 21—

- (a) for “CE marking” in the heading, and in each place it occurs, substitute “UK marking”;
- (b) omit paragraph 5.

Substitution of Article 22

31. For Article 22 substitute—

“Article 22

Approval

1. The Secretary of State may approve bodies to carry out third-party conformity assessment tasks under this Regulation.
2. The Secretary of State must—
 - (a) assign an approved body identification number to each approved body;
 - (b) compile and maintain a register of approved bodies containing in relation to each body—
 - (i) the approved body identification number,
 - (ii) details of the activities for which the body is approved, and
 - (iii) any restrictions on the activities for which the body is approved.
3. The register referred to in paragraph 2 must be made publicly available.”.

Omission of Articles 23 to 25

32. Omit Articles 23 to 25.

Amendment to Article 26

33. In Article 26—

- (a) in the heading, for “notified” substitute “approved”;
- (b) in paragraph 1—
 - (i) for “notification” substitute “approval”, and
 - (ii) for “paragraphs 2 to 11” substitute “paragraphs 3 to 10”;
- (c) omit paragraph 2;
- (d) in paragraph 7, in point (c), for the words from “harmonised standards” to the end, substitute “designated standards and of the relevant provisions of this Regulation and of the Cableway Installations Regulations 2018”;
- (e) in paragraph 9, omit the words from “unless liability” to the end;
- (f) in paragraph 10—
 - (i) omit “or any provision of national law giving effect to it”, and

(a) Article 30 of, and annex 2 to Regulation (EC) No 765/2008 are amended by Schedule 33 to S.I. 2029/696.

- (ii) for “competent authorities of the Member State in which its activities are carried out” substitute “Secretary of State or the Executive”;
- (g) omit paragraph 11.

Amendment to Article 27

34. In Article 27—

- (a) the existing text becomes paragraph 1;
- (b) after the newly numbered paragraph 1 insert—

“2. In paragraph 1, expressions used are to be given the same meaning as in the EU Regulation.”.

Amendment to Article 28

35. In Article 28—

- (a) in the heading, for “notified” substitute “approved”;
- (b) in paragraph 1—
 - (i) for “a notified” substitute “an approved”, and
 - (ii) for “notifying authority” substitute “Secretary of State”;
- (c) in paragraph 2, for “Notified” substitute “Approved”;
- (d) in paragraph 4—
 - (i) for “Notified” substitute “Approved”, and
 - (ii) for “notifying authority” substitute “Secretary of State”.

Amendment to Article 29

36. In Article 29—

- (a) in the heading and in paragraph 1, for “notification” substitute “approval”;
- (b) in paragraph 1, for the words from “notifying authority” to the end, substitute “Secretary of State”;
- (c) in paragraph 2, for “a national accreditation body”, substitute “the United Kingdom Accreditation Service”(a).

Omission of Articles 30 and 31

37. Omit Articles 30 and 31.

Amendment to Article 32

38. In Article 32—

- (a) in the heading, for “notifications” substitute “approvals”;
- (b) in paragraph 1—
 - (i) for “a notifying authority” substitute “the Secretary of State”,
 - (ii) for “a notified”, substitute “an approved”,

(a) A company limited by guarantee incorporated in England and Wales under number 3076190; UKAS was appointed as the national accreditation authority for the United Kingdom by regulation 3 of the Accreditation Regulations 2009 (S.I. 2009/3155); by virtue of article 4 of RAMS (see the definition of that term in Article 3(31) of Regulation (EU) 2016/424, as inserted by regulation 14 of these Regulations) that appointment is to be treated on and after exit day as having been made in pursuance of the Secretary of State’s duty to appoint a national accreditation body under paragraph 1 of article 4 of RAMS.

- (iii) for “the notifying authority” substitute “the Secretary of State”,
- (iv) for “notification” substitute “approval”, and
- (v) omit the second sentence;
- (c) in paragraph 2—
 - (i) for “the notified” substitute “the approved”,
 - (ii) for “notifying Member State” substitute “Secretary of State”,
 - (iii) for “another notified” substitute “another approved”, and
 - (iv) for “responsible notifying and market surveillance authorities” substitute “Secretary of State and the Executive”.

Omission of Article 33

- 39. Omit Article 33.

Amendment to Article 34

- 40. In Article 34—
 - (a) in the heading, for “notified bodies” substitute “approved bodies”;
 - (b) in paragraph 1, for “Notified bodies” substitute “Approved bodies”;
 - (c) in paragraph 3—
 - (i) for “a notified body” substitute “an approved body”, and
 - (ii) for “corresponding harmonised standards” substitute “corresponding designated standards”;
 - (d) in paragraph 4, for “a notified body” substitute “an approved body”;
 - (e) in paragraph 5, for “the notified body” substitute “the approved body”.

Amendment to Article 35

- 41. In Article 35—
 - (a) in the heading, for “notified” substitute “approved”;
 - (b) for “Notified” substitute “Approved”.

Amendment to Article 36

- 42. In Article 36—
 - (a) in the heading, for “notified bodies” substitute “approved bodies”;
 - (b) in paragraph 1—
 - (i) in the opening words—
 - (aa) for “Notified bodies” substitute “Approved bodies”, and
 - (bb) for “notifying authority” substitute “Secretary of State”,
 - (ii) in point (b), for “notification” substitute “approval”,
 - (iii) in point (c), for “market surveillance authorities” substitute “the Executive”, and
 - (iv) in point (d), for “notification” substitute “approval”;
 - (c) in paragraph 2—
 - (i) for “Notified bodies” substitute “Approved bodies”, and
 - (ii) for “notified under” substitute “approved under”.

Omission of Articles 37 and 38

43. Omit Articles 37 and 38.

Amendment to Article 39

44.—(1) In the Chapter heading before Article 39, and in the heading to that Article, omit “Union” in each place it occurs.

(2) In Article 39, for “Articles 16 to 29” substitute “Articles 16 to 21”.

Amendment to Article 40

45.—(1) In the heading to Article 40, omit “at national level”.

(2) In Article 40—

(a) in paragraph 1—

(i) in the first subparagraph—

(aa) in the first sentence, for “market surveillance authorities of one Member State have” substitute “Executive has”, and

(bb) in the second sentence, for “market surveillance authorities” substitute “Executive”,

(ii) in the second subparagraph—

(aa) for “market surveillance authorities find” substitute “Executive finds”,

(bb) for “they shall” substitute “it shall”, and

(cc) for “they may” substitute “it may”, and

(iii) in the third subparagraph—

(aa) for “market surveillance authorities” substitute “Executive”, and

(bb) for “notified body” substitute “approved body”;

(b) omit paragraph 2;

(c) in paragraph 3, omit “throughout the Union”;

(d) omit paragraphs 4 to 8.

Omission of Article 41

46. Omit Article 41.

Amendment to Article 42

47. In Article 42—

(a) in paragraph 1—

(i) for “a Member State” substitute “the Executive”, and

(ii) for “it shall require” substitute “the Executive must require”;

(b) in paragraph 2, omit “throughout the Union”;

(c) omit paragraphs 3 to 5.

Amendment to Article 43

48. In Article 43—

(a) in paragraph 1—

(i) in the opening words, for “a Member State” substitute “the Executive”,

(ii) in points (a) and (b), for “CE marking” in both places, substitute “UK marking”,

- (iii) in point (c), for “notified” substitute “approved”, and
 - (iv) in points (d), (e) and (f), for “EU declaration” substitute “declaration”;
- (b) omit paragraph 2.

Omission of Articles 44 to 46

49. Omit Articles 44 to 46.

Post-withdrawal continuity provision

50. Before Article 47 insert—

“Article 46A

Post-withdrawal continuity provision

1. Paragraph 2 applies where, at any time before any technical standard has been adopted and designated as a designated standard in accordance with Article 3A—

- (a) a subsystem or safety component has been assessed by a notified body in accordance with any of the EU conformity assessment procedures;
- (b) an EU declaration of conformity has been drawn up in accordance with the EU Regulation in respect of that subsystem or safety component; and
- (c) a CE marking has been affixed to that subsystem or safety component in accordance with the EU Regulation.

2. Where this paragraph applies—

- (a) a subsystem or safety component is to be treated as having been assessed in accordance with the equivalent conformity assessment procedure in Chapter 3 of this Regulation; and
- (b) the EU declaration of conformity and the CE marking are to be treated for the purposes of this Regulation and any other enactment relating to cableway installations as if they were respectively a declaration of conformity under this Regulation and a UK marking.

3. In this Article—

- (a) “CE marking” has the same meaning as in Article 3(27) of the EU Regulation;
- (b) “EU conformity assessment procedures” means the procedures provided for under Article 18(2) of the EU Regulation;
- (c) “EU declaration of conformity” has the same meaning as in the EU Regulation;
- (d) “notified body” means a body notified to the Commission under Article 22 of the EU Regulation.”.

Omission of applicability provision

51. After Article 48, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States”.

Amendment to Annex 2

52. In Annex 2, in point 7.1.1, for the words from “a language” to the end, substitute “English”.

Amendment to Annex 3

53. In Annex 3—

- (a) in the heading, for “EU-type”, substitute “type”;
- (b) in point 1—

- (i) for “EU-type” substitute “Type”, and
- (ii) for “a notified body” substitute “an approved body”;
- (c) in point 2, for “EU-Type” substitute “Type”;
- (d) in point 3—
 - (i) in the first paragraph—
 - (aa) for “EU-type” substitute “type”, and
 - (bb) for “single notified body” substitute “single approved body”, and
 - (ii) in the second paragraph—
 - (aa) in subparagraph (b), for “other notified body” substitute “other approved body”, and
 - (bb) in subparagraph (d), for “The notified body” substitute “The approved body”;
- (e) in point 4—
 - (i) in the first paragraph, for “The notified body” substitute “The approved body”, and
 - (ii) in points 4.2, 4.3 and 4.4, for “relevant harmonised standards” in each place, substitute “relevant designated standards”;
- (f) in point 5—
 - (i) for “The notified body” substitute “The approved body”,
 - (ii) for “the notifying authorities” substitute “the Secretary of State”, and
 - (iii) for “the notified body” substitute “the approved body”;
- (g) in point 6—
 - (i) in the first paragraph—
 - (aa) for “the notified body” substitute “the approved body”, and
 - (bb) for “an EU-type examination” substitute “a type examination”,
 - (ii) in the second paragraph, for “The EU-type examination” substitute “The type examination”, and
 - (iii) in the fourth paragraph—
 - (aa) for “the notified body” substitute “the approved body”, and
 - (bb) for “an EU-type examination” substitute “a type examination”;
- (h) in point 7—
 - (i) in the first paragraph—
 - (aa) for “The notified body” substitute “The approved body”, and
 - (bb) for “the notified body” substitute “the approved body”,
 - (ii) in the second paragraph—
 - (aa) for “the notified body” substitute “the approved body”, and
 - (bb) for “the EU-type” substitute “the type”, and
 - (iii) in the third paragraph—
 - (aa) for “The notified body” substitute “The approved body”,
 - (bb) for “the EU-type examination” substitute “the type examination”,
 - (cc) for “the notified body” substitute “the approved body”,
 - (dd) for “the original EU-type” substitute “the original type”, and
 - (ee) for “an EU-type” substitute “a type”;
- (i) in point 8—
 - (i) in the first paragraph—
 - (aa) for “Each notified body” substitute “Each approved body”,

- (bb) for “its notifying authority”, in both places, substitute “the Secretary of State”, and
- (cc) for “the EU-type” substitute “the type”,
- (ii) in the second paragraph—
 - (aa) for “Each notified body” substitute “Each approved body”,
 - (bb) for “the other notified bodies” substitute “the other approved bodies”, and
 - (cc) for “the EU-type examination” substitute “the type examination”, and
- (iii) in the third paragraph—
 - (aa) omit “Commission, the Member States and the”,
 - (bb) for “other notified bodies” substitute “other approved bodies”,
 - (cc) omit the words from “On request” to “carried out by the notified body”,
 - (dd) for “The notified body” substitute “The approved body”, and
 - (ee) for “the EU-type examination”, in both places, substitute “the type examination”;
- (j) in point 9—
 - (i) for “the EU-type” substitute “the type”, and
 - (ii) for “the national authorities” substitute “the Secretary of State”.

Amendment to Annex 4

54. In Annex 4—

- (a) in point 1, for “the EU-type examination” substitute “the type examination”;
- (b) in point 3—
 - (i) in point 3.1, in the second paragraph—
 - (aa) in subparagraph (b) for “other notified body” substitute “other approved body”, and
 - (bb) in subparagraph (e) for “the EU-type examination” substitute “the type examination”,
 - (ii) in point 3.2, for “the EU-type examination” substitute “the type examination”,
 - (iii) in point 3.3—
 - (aa) in the first paragraph, for “The notified body” substitute “The approved body”, and
 - (bb) in the second paragraph, for “relevant harmonised standard” substitute “relevant designated standard”, and
 - (iv) in point 3.5—
 - (aa) in the first paragraph, for “the notified body” substitute “the approved body”, and
 - (bb) in the second paragraph, for “The notified body” substitute “The approved body”;
- (c) in point 4—
 - (i) in the heading, for “the notified body” substitute “the approved body”,
 - (ii) in point 4.2, for “the notified body” substitute “the approved body”,
 - (iii) in point 4.3, for “The notified body” substitute “The approved body”, and
 - (iv) in point 4.4—
 - (aa) for “the notified body”, in both places, substitute “the approved body”, and
 - (bb) for “The notified body” substitute “The approved body”;

- (d) in point 5—
 - (i) in the heading, for “CE marking and EU declaration” substitute “UK marking and declaration”,
 - (ii) in point 5.1—
 - (aa) for “CE marking” substitute “UK marking”,
 - (bb) for “the notified body” substitute “the approved body”, and
 - (cc) for “the EU-type examination” substitute “the type examination”, and
 - (iii) in point 5.2—
 - (aa) for “EU declaration of conformity”, in each place, substitute “declaration of conformity”, and
 - (bb) for “national authorities” substitute “Secretary of State”;
- (e) in point 6—
 - (i) for “national authorities” substitute “Secretary of State”, and
 - (ii) for “notified body” substitute “approved body”;
- (f) in point 7—
 - (i) in the first paragraph—
 - (aa) for “Each notified body” substitute “Each approved body”, and
 - (bb) for “its notifying authority”, in both places, substitute “the Secretary of State”,
 - (ii) in the second paragraph—
 - (aa) for “Each notified body” substitute “Each approved body”, and
 - (bb) for “the other notified bodies” substitute “the other approved bodies”,
 - (iii) omit the third paragraph, and
 - (iv) in the fourth paragraph, for “The notified body” substitute “The approved body”.

Amendment to Annex 5

55. In Annex 5—

- (a) in point 1, for “the EU-type” substitute “the type”;
- (b) in point 2, for “the EU-type” substitute “the type”;
- (c) in point 3—
 - (i) in point 3.1—
 - (aa) in the first paragraph, for “the notified body” substitute “the approved body”,
 - (bb) in the second paragraph, in subparagraph (b), for “other notified body” substitute “other approved body”, and
 - (cc) in the second paragraph, in subparagraph (d), for “EU-type examination” substitute “type examination”, and
 - (ii) in point 3.2—
 - (aa) for “The notified body” substitute “The approved body”, and
 - (bb) for “EU-type examination” substitute “type examination”;
- (d) in point 4—
 - (i) in point 4.1, in the first paragraph—
 - (aa) for “relevant harmonised standard(s) and/or equivalent tests set out in other relevant technical specifications” substitute “relevant designated standards”, and
 - (bb) for “EU-type examination” substitute “type examination”,

- (ii) in point 4.1, in the second paragraph, for “a harmonised standard, the notified” substitute “a designated standard, the approved”, and
- (iii) in point 4.2—
 - (aa) in the first paragraph, for “The notified body” substitute “The approved body”, and
 - (bb) in the second paragraph, for “national authorities” substitute “Secretary of State”;
- (e) in point 5—
 - (i) in point 5.2—
 - (aa) for “relevant harmonised standard(s)” substitute “relevant designated standards”,
 - (bb) for “EU-type examination” substitute “type examination”,
 - (cc) for “harmonised standard” substitute “designated standard”, and
 - (dd) for “notified body” substitute “approved body”,
 - (ii) in point 5.3—
 - (aa) in the second paragraph, for “The notified body” substitute “The approved body”, and
 - (bb) in the third paragraph, for “national authorities” substitute “Secretary of State”, and
 - (iii) in point 5.4—
 - (aa) for “notified body”, in both places, substitute “approved body”, and
 - (bb) for “competent authority” substitute “Secretary of State”;
- (f) in point 6—
 - (i) in the heading, for “CE marking and EU declaration” substitute “UK marking and declaration”,
 - (ii) in point 6.1—
 - (aa) for “CE marking” substitute “UK marking”,
 - (bb) for “notified body” substitute “approved body”, and
 - (cc) for “the EU-type examination” substitute “the type examination”, and
 - (iii) in point 6.2—
 - (aa) for “EU declaration”, in both places, substitute “declaration”,
 - (bb) for “national authorities” substitute “Secretary of State”,
 - (cc) for “If the notified body” substitute “If the approved body”, and
 - (dd) for “notified body’s” substitute “approved body’s”;
- (g) in point 7—
 - (i) for “If the notified body” substitute “If the approved body”, and
 - (ii) for “notified body’s” substitute “approved body’s”.

Amendment to Annex 6

56. In Annex 6—

- (a) in point 3—
 - (i) in point 3.1—
 - (aa) in the first paragraph, for “the notified body” substitute “the approved body”, and

- (bb) in the second paragraph, in subparagraph (b), for “other notified body” substitute “other approved body”, and
- (ii) in point 3.2—
 - (aa) for “The notified body”, in both places, substitute “The approved body”,
 - (bb) for “relevant harmonised standards and/or equivalent tests set out in other relevant technical specifications” substitute “relevant designated standards”,
 - (cc) for “a harmonised standard” substitute “a designated standard”,
 - (dd) for “the notified body”, in each place, substitute “the approved body”,
 - (ee) for “same notified body” substitute “same approved body”,
 - (ff) omit the words from “On request” to “certificate of conformity”, and
 - (gg) for “national authorities” substitute “Secretary of State”;
- (b) in point 4—
 - (i) in the heading, for “CE marking and EU declaration” substitute “UK marking and declaration”,
 - (ii) in point 4.1—
 - (aa) for “CE marking” substitute “UK marking”, and
 - (bb) for “notified body” substitute “approved body”, and
 - (iii) in point 4.2—
 - (aa) for “EU declaration”, in both places in the first paragraph, substitute “declaration”,
 - (bb) for “national authorities” substitute “Secretary of State”, and
 - (cc) omit “A copy of the EU declaration of conformity shall be made available to the relevant authorities upon request.”.

Amendment to Annex 7

57. In Annex 7—

- (a) in point 3.1, in the first paragraph, and in the second paragraph in subparagraph (f), for “notified body” substitute “approved body”;
- (b) in point 3.2, in the third paragraph, in subparagraph (b), for “harmonised standards” substitute “designated standards”;
- (c) in point 3.3—
 - (i) in the first paragraph—
 - (aa) for “The notified body” substitute “The approved body”, and
 - (bb) for “harmonised standard” substitute “designated standard”, and
 - (ii) in the fifth paragraph, for “The notified body” substitute “The approved body”;
- (d) in point 3.5—
 - (i) in the first paragraph, for “the notified body” substitute “the approved body”, and
 - (ii) in the second paragraph, for “The notified body” substitute “The approved body”;
- (e) in point 3.6.1, for “notified body” substitute “approved body”;
- (f) in point 3.6.2, in the second paragraph, in subparagraph (b), for “other notified body” substitute “other approved body”;
- (g) in point 3.6.3—
 - (i) in the first paragraph—
 - (aa) for “The notified body” substitute “The approved body”, and
 - (bb) for “an EU design examination” substitute “a design examination”, and

- (ii) in the third paragraph—
 - (aa) for “the notified body” substitute “the approved body”, and
 - (bb) for “an EU design examination” substitute “a design examination”;
- (h) in point 3.6.4—
 - (i) in the first paragraph—
 - (aa) for “The notified body” substitute “The approved body”, and
 - (bb) for “the notified body” substitute “the approved body”, and
 - (ii) in the second paragraph—
 - (aa) for “the notified body”, in both places, substitute “the approved body”, and
 - (bb) for “EU design examination”, in each place, substitute “design examination”;
- (i) in point 3.6.5—
 - (i) in the first paragraph—
 - (aa) for “Each notified body” substitute “Each approved body”,
 - (bb) for “its notifying authority”, in both places, substitute “the Secretary of State”, and
 - (cc) for “the EU design examination” substitute “the design examination”,
 - (ii) in the second paragraph—
 - (aa) for “Each notified body” substitute “Each approved body”,
 - (bb) for “other notified bodies” substitute “other approved bodies”, and
 - (cc) for “the EU design examination” substitute “the design examination”,
 - (iii) for the third paragraph substitute—

“The other approved bodies may, on request, obtain a copy of the design examination certificates and any additions thereto.”, and
 - (iv) in the fourth paragraph—
 - (aa) for “The notified body” substitute “The approved body”, and
 - (bb) for “the EU design examination” substitute “the design examination”;
- (j) in point 3.6.6—
 - (i) for “the EU design examination” substitute “the design examination”, and
 - (ii) for “national authorities” substitute “Secretary of State”;
- (k) in point 4—
 - (i) in the heading, for “the notified body” substitute “the approved body”,
 - (ii) in point 4.2, for “the notified body” substitute “the approved body”,
 - (iii) in point 4.3, for “The notified body” substitute “The approved body”, and
 - (iv) in point 4.4, for “the notified body”, in both places, substitute “the approved body”;
- (l) in point 5—
 - (i) in the heading, for “CE marking and EU declaration” substitute “UK marking and declaration”,
 - (ii) in point 5.1—
 - (aa) for “CE marking” substitute “UK marking”, and
 - (bb) for “the notified body” substitute “the approved body”, and
 - (iii) in point 5.2—
 - (aa) for “written EU declaration” substitute “written declaration”,
 - (bb) for “national authorities” substitute “Secretary of State”,
 - (cc) for “The EU declaration” substitute “The declaration”,

- (dd) for “the EU design examination” substitute “the design examination”, and
 - (ee) for “A copy of the EU declaration of conformity shall be made available to the relevant authorities upon request.” substitute “A copy of the declaration of conformity must be made available to the Executive upon request.”;
- (m) in point 6—
- (i) in the opening words, for “national authorities” substitute “Secretary of State”, and
 - (ii) in paragraph (d), for “the notified body”, substitute “the approved body”;
- (n) in point 7—
- (i) in the first paragraph—
 - (aa) for “Each notified body” substitute “Each approved body”, and
 - (bb) for “its notifying authority”, in both places, substitute “the Secretary of State”,
 - (ii) in the second paragraph—
 - (aa) for “Each notified body” substitute “Each approved body”, and
 - (bb) for “other notified bodies” substitute “other approved bodies”,
 - (iii) omit the third paragraph, and
 - (iv) in the fourth paragraph, for “The notified body” substitute “The approved body”.

Amendment to Annex 8

58. In Annex 8, in point 2—

- (a) for paragraph (c) substitute—
 - “(c) a list of the designated standards referred to in Article 17 applied in full or in part, and where those designated standards have not been applied, descriptions of the solutions adopted to meet the essential requirements of this Regulation including a list of other relevant technical specifications applied. In the event of partly applied designated standards, the technical documentation must specify the parts which have been applied;”;
- (b) in paragraph (f), for “EU declarations” substitute “declarations”.

Amendment to Annex 9

59. In Annex 9—

- (a) in the heading, for “EU declaration” substitute “Declaration”;
- (b) omit point 5;
- (c) in point 6, for “relevant harmonised standards” substitute “relevant designated standards”;
- (d) in point 7, for “notified body” substitute “approved body”.

We consent

8th October 2019

Mike Freer
Rebecca Harris
Two of the Lords Commissioners of Her Majesty’s Treasury

Signed by authority of the Secretary of State for Transport

14th October 2019

Chris Heaton-Harris
Minister of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of, and paragraph 1 of Schedule 4 and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a) to (d)) arising from the withdrawal of the UK from the European Union.

These Regulations make amendments to legislation in the field of cableway installations and, in particular, amend legislation relating to the construction and modification of cableway installations and the conformity assessment of subsystems and safety components of cableway installations.

Part 2 amends the Cableway Installations Regulations 2018. Part 3 amends Regulation (EU) 2016/424 of the European Parliament and of the Council of 9 March 2016 on cableway installations and repealing Directive 2000/9/EC.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum is published alongside the instrument on www.legislation.gov.uk

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