

SCHEDULE

Amendment of the 2016 Regulations

Amendment of paragraph (1) of regulation 2 (interpretation)

1.—(1) Paragraph (1) of regulation 2 (interpretation) of the 2016 Regulations is amended as follows.

(2) Before the definition of “the Act” insert—

““accreditation” means an attestation by the United Kingdom national accreditation body that a conformity assessment body meets the requirements set out in Schedule 3 to carry out conformity assessment activities;

“accreditation certificate” means a certificate issued by the United Kingdom national accreditation body, attesting that a conformity assessment body meets the approved body requirements set out in Schedule 3;”.

(3) In the definition of “applicable international standards”, after “MSN 1874” insert “Amendment 3”.

(4) In the definition of “applicable UK” standards, after “MSN 1874” insert “Amendment 3”.

(5) After the definition of “applicable UK standards” insert—

““approved body” means a conformity assessment body which—

(a) has been approved by the Secretary of State pursuant to the procedure set out in Schedule 4; or

(b) immediately before exit day was a notified body in respect of which the Secretary of State had taken no action to suspend or withdraw the body’s status as a notified body.

“approved body requirements” means the requirements set out in Schedule 3; “authorised representative” means a person who—

(a) immediately before exit day was established in an EEA state and appointed in accordance with article 13 of the Directive; or

(b) after exit day is appointed in accordance with regulation 16 (authorised representatives);”.

(6) After the definition of “competent national authority”, insert—

““conformity assessment” means the process demonstrating whether marine equipment complies with the requirements set out in these Regulations;

“conformity assessment activities” means any activities connected with conformity assessment, including calibration, testing, certification and inspection;

“conformity assessment body” means a body that performs conformity assessment activities;

“conformity assessment procedure” means a procedure referred to in regulations 4 (designation of approved and nominated bodies), 11 (applications for grant of United Kingdom conformity approval) and 12 (grant of United Kingdom conformity approval: obligations of an approved body) and Schedule 2 (United Kingdom conformity assessment procedures);”.

(7) After the definition of “the Directive” insert—

““distributor” means any person in the supply chain, other than the manufacturer or the importer, who makes marine equipment available on the United Kingdom market;”.

(8) For the definition of “EU Conformity Approval” substitute—

““EU conformity approval” means approval issued by an EU notified body in accordance with the Directive;”.

Status: This is the original version (as it was originally made).

- (9) After the definition of “EU conformity approval” insert—
““EU notified body” means a body designated by the competent national authority of an EU Member State in accordance with the Directive;”.
- (10) After the definition of “fishing vessel” insert—
““importer” means a person who—
(a) is established in the United Kingdom; and
(b) who places marine equipment from a country outside of the United Kingdom on the United Kingdom market;
“international conventions” means the following conventions, together with their protocols and codes of mandatory application, adopted under the auspices of the International Maritime Organisation (“IMO”), which have entered into force and which lay down specific requirements for the approval by the flag State of marine equipment to be placed on board ships—
(a) the 1972 Convention on the International Regulations for Preventing Collisions at Sea (Colreg);
(b) the 1973 International Convention for the Prevention of Pollution from Ships (Marpol);
(c) the 1974 International Convention for the Safety of Life at Sea (Solus);
“international instruments” means the international conventions, together with the resolutions and circulars of the IMO giving effect to those conventions as amended from time to time, and the testing standards;”.
- (11) After the definition of “length” insert—
““making available on the market” means any supply of marine equipment on the United Kingdom market in the course of a commercial activity, whether in return for payment or free of charge;
“manufacturer” means any person who—
(a) manufactures marine equipment or has marine equipment designed or manufactured; and
(b) markets that equipment under that person’s name or trademark;
“marine equipment” means equipment falling within the scope of these Regulations;”.
- (12) Omit the definition of “market surveillance authority”.
- (13) For the definition of “notified body” substitute—
““notified body” means a body which the Secretary of State had before exit day notified to the European Commission and the member States of the European Union in accordance with Article 17 of the Directive;”.
- (14) After the definition of “passenger ship” insert—
““product” means an item of marine equipment;
“RAMS” means [Regulation \(EC\) 765/2008](#)(1) 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](#);
“recall” means any measure aimed at achieving the return of marine equipment that has already been placed on board a United Kingdom ship or purchased with the intention of being placed on a United Kingdom ship;
“recognised third country” means a country, that is not part of the United Kingdom or the European Union, whose marine equipment accreditation and conformity assessment

(1) OJ No. L 218, 13.8.2008, p. 30.

procedures the Secretary of State is satisfied, taking into account relevant international instruments, is equivalent to those of the United Kingdom;”.

(15) In the definition of “relevant period”, before “conformity mark” insert “United Kingdom”.

(16) After the definition of “relevant period” insert—

““United Kingdom conformity mark” means the mark affixed to equipment by the manufacturer in accordance with regulation 15;

“United Kingdom declaration of conformity” means a statement issued by the manufacturer in accordance with regulation 14(2);

“United Kingdom national accreditation body” means “the body appointed by the Secretary of State in accordance with Article 4 of RAMS;”.

(17) After the definition of “United Kingdom ship” insert—

““withdrawal”, in relation to marine equipment, means any measure aimed at preventing marine equipment in the supply chain from being made available on the United Kingdom market”.