
STATUTORY INSTRUMENTS

2021 No. 858

The Market Surveillance (Northern Ireland) Regulations 2021

Interpretation

2.—(1) In these Regulations, “MSC Regulation” means Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 ^{M1} as it has effect in EU law as amended from time to time.

(2) Expressions used in these Regulations which appear in the MSC Regulation have the same meaning as in the MSC Regulation.

(3) In these Regulations—

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978 ^{M2};

“the 1987 Act” means the Consumer Protection Act 1987 ^{M3};

“the 2011 Regulations” means the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011 ^{M4};

“district council” means a district council within the meaning of the Local Government Act (Northern Ireland) 1972 ^{M5};

“enforcer” means—

- (a) a district council in Northern Ireland;
- (b) the Secretary of State;
- (c) the Health and Safety Executive for Northern Ireland;
- (d) the Department for the Economy in Northern Ireland;
- (e) the Department for Agriculture, Environment and Rural Affairs in Northern Ireland;
- (f) the Department for Infrastructure in Northern Ireland;
- (g) the Department for Health in Northern Ireland;
- (h) the Department of Justice in Northern Ireland;
- (i) the Utility Regulator;
- (j) the Chief Constable of the Police Service of Northern Ireland;
- (k) Ofcom;

“enforcer” includes—

- (a) an officer of an enforcer;
- (b) where the enforcer's legislation makes provision for—
 - (i) the appointment of an inspector, an inspector so appointed by the enforcer; or
 - (ii) the appointment or authorisation of a person to exercise market surveillance powers on the enforcer's behalf, the person so appointed or authorised by the enforcer;
- (c) an enforcer (A) who does not have a power or a duty to enforce the enforcer's legislation in respect of a particular product but with whom the enforcer in respect of that product

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Changes to legislation: There are currently no known outstanding effects for the The Market Surveillance (Northern Ireland) Regulations 2021, Section 2. (See end of Document for details)

(B) has entered into an agreement such that A will carry out an enforcement duty that applies to B;

“enforcer’s legislation” means the legislation provisions of which are referred to in regulation 6 and which is referred to in regulation 7, and in relation to a particular enforcer means—

- (a) legislation which, by virtue of a provision listed in regulation 6, the enforcer has a duty or power to enforce; and
- (b) in relation to an enforcer listed in Column 1 of the table in regulation 7, the legislation in the corresponding entry in Column 2;

“officer”, in relation to an enforcer, means—

- (a) an inspector appointed by the enforcer to exercise powers under Schedule 1, or authorised to do so;
- (b) an officer of the enforcer appointed by the enforcer to exercise powers under this Schedule 1, or authorised to do so;
- (c) an employee of the enforcer (other than an inspector or officer) appointed by the enforcer to exercise powers under Schedule 1, or authorised to do so; or
- (d) a person (other than an inspector, officer or employee of the enforcer) authorised by the enforcer to exercise powers under Schedule 1;

but references in these Regulations to an officer in relation to a particular power only cover a person within sub-paragraphs (a) to (d) if and to the extent that the person has been appointed or authorised to exercise that power;

“non-compliance” means—

- (a) a contravention of an obligation placed on an economic operator by, or under, the MSC Regulation or the enforcer’s legislation; or
- (b) a product presenting a risk.

Commencement Information

II Reg. 2 in force at 16.7.2021, see [reg. 1\(1\)](#)

Marginal Citations

M1 OJ L 169, 25.06.2019, p. 1.

M2 [1978 No. 1039](#) (N.I. 9), to which there are amendments not relevant to these Regulations.

M3 [1987 c. 43](#).

M4 S.R. [2011 No. 331](#), to which there are amendments not relevant to these Regulations.

M5 [1972 c. 9](#).

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