

*Draft Regulations laid before Parliament under paragraphs 5(1) and (2) of Schedule 5 to the Retained EU Law (Revocation and Reform) Act 2023, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**No.**

**RETAINED EU LAW REFORM**

**CONSUMER PROTECTION**

**ELECTROMAGNETIC COMPATIBILITY**

**HEALTH AND SAFETY**

**TELECOMMUNICATIONS**

**WEIGHTS AND MEASURES**

**The Product Safety and Metrology etc. (Amendment) Regulations  
2024**

*Made* - - - -

*Coming into force* - -

*1st October 2024*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 14(1), 14(2) and 14(3) of the Retained EU Law (Revocation and Reform) Act 2023<sup>(a)</sup> (“the 2023 Act”).

The Secretary of State is a relevant national authority for the purposes of section 14(1), 14(2) and 14(3) of the 2023 Act<sup>(b)</sup>.

In accordance with paragraph 5(1) of Schedule 5 to the 2023 Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

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<sup>(a)</sup> 2023 c.28.

<sup>(b)</sup> The term “relevant national authority” is defined in section 21(1) of the Retained EU Law (Revocation and Reform) Act 2023.

## **Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Product Safety and Metrology etc. (Amendment) Regulations 2024.

(2) These Regulations come into force on [1st October 2024].

(3) These Regulations extend to England and Wales and Scotland.

## **Amendment to the Simple Pressure Vessels (Safety) Regulations 2016**

2.—(1) The Simple Pressure Vessels (Safety) Regulations 2016<sup>(a)</sup> are amended as follows.

(2) In regulation 2(4), in the definition of “the Directive” omit “(as it has effect immediately before IP completion day)”.

(3) For regulation 38C substitute—

### **“Further use of the UK marking**

**38C.**—(1) In this regulation—

(a) any reference to an Article or an Annex is a reference to an Article of or an Annex to the Directive;

(b) “harmonised standard” has the meaning given to it in Article 2(17).

(2) Subject to paragraphs (4) and (5), paragraph (3) applies where before placing a category A vessel on the market, the manufacturer—

(a) ensures that the vessel has been designed and manufactured in accordance with the essential safety requirements set out in Annex I;

(b) ensures that the relevant conformity assessment procedures that apply to that vessel in accordance with Article 13(1) and (2) have been carried out;

(c) draws up the technical documentation referred to in Annex II;

(d) ensures that the technical documentation and other records and correspondence relating to the conformity assessment procedures are prepared in, or translated into English.

(3) Where this paragraph applies—

(a) the requirements of regulation 5 are treated as being satisfied;

(b) except for regulation 43, Part 3 does not apply;

(c) regulations 2(5), 6, 8, 9(2), 16(2), 18(a) and (b), 19(1), 23, 26, 30, 32 and 38 apply subject to the modifications in paragraph (6);

(d) regulations 43 and 62 and Schedule 3 apply subject to the modifications in paragraphs (6) and (7).

(4) This paragraph applies where there is no designated standard or part of a designated standard which corresponds exactly to a harmonised standard or part of a harmonised standard referred to in Article 12.

(5) Where paragraph (4) applies, paragraph 2(b) is to be treated as requiring the manufacturer to have carried out—

(a) the conformity assessment procedure set out in Article 13(1)(b); and

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(a) S.I. 2016/1092; they were made in part under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018 (c. 16); they were amended in respect of England and Wales and Scotland by S.I. 2019/696, S.I. 2021/1273 and S.I. 2022/1393; there are other amending instruments but none is relevant.

- (b) the relevant conformity assessment procedure that applies to that product in accordance with Article 13(2).
- (6) The modifications referred to in paragraph (3)(c) and (d) are that—
  - (a) any reference to “essential safety requirements” is to be read as a reference to the essential safety requirements referred to in Annex I;
  - (b) any reference to “designated standard” is to be read as a reference to a harmonised standard;
  - (c) any reference to “relevant conformity assessment procedure” is to be read as a reference to the relevant conformity assessment procedure that apply to the vessel in accordance with Article 13(1) and (2);
  - (d) any reference to “technical documentation” is a reference to the technical documentation referred to in Annex II.
- (7) The modifications referred to in paragraph (3)(d) are that—
  - (a) in regulation 43, the reference to Schedule 2 is to be read as a reference to Annex II;
  - (b) in regulation 62 and Schedule 3 any reference to “approved body” is to be read as a reference to the conformity assessment body that undertook the relevant conformity assessment procedure in accordance with Article 13(1) or 13(2);
  - (c) in paragraph 5 of Schedule 3 “relevant statutory requirements” is to be read as including the relevant provisions of the Directive.”.
- (4) In regulation 76A, omit paragraphs (4) to (6).

### **Transitional provisions**

- 3.—(1) In this regulation— amended by regulations 2 to X.
  - (a) “enactment” means any enactment amended by regulations 2 to X;
  - (b) “product” means any product regulated by any enactment.
- (2) Paragraph (2) applies where a product—
  - (a) was placed on the market before the commencement of these Regulations; and
  - (b) was in conformity with all enactments amended by regulations 2 to X applicable to it when it was placed on the market.
- (3) Notwithstanding the changes made by regulations 2 to X, any product placed on the market before the commencement of these Regulations, may continue to be made available after the commencement of these Regulations.

Department for Business and Trade

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations revoke and replace provisions of the following legislation as they apply in Great Britain (England and Wales and Scotland):

The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001;

The Supply of Machinery (Safety) Regulations 2008;

The Aerosol Dispensers Regulations 2009;

The Toys (Safety) Regulations 2011;

The Pyrotechnic Articles (Safety) Regulations 2015;

The Electromagnetic Compatibility Regulations 2016;

The Simple Pressure Vessels (Safety) Regulations 2016;

The Lifts Regulations 2016;

The Electrical Equipment (Safety) Regulations 2016;

The Pressure Equipment (Safety) Regulations 2016;

The Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016;

The Non-automatic Weighing Instruments Regulations 2016;

The Measuring Instruments Regulations 2016;

The Recreational Craft Regulations 2017;

The Radio Equipment Regulations 2017;

The Personal Protective Equipment (Enforcement) Regulations 2018 and Regulation (EU) 2016/425; and

The Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 and Regulation (EU) 2016/426.

They also revoke a provision of the Measuring Container Bottles (EEC Requirements) Regulations 1977.

This legislation relates consumer safety and health and safety and sets out the requirements that products must meet in order to be placed on the market in Great Britain. It is secondary retained EU law within the meaning of section 11(2) of the Retained EU law (Revocation and Reform) Act 2023 (c.28).

The amendments made to each of these pieces of legislation revoke provision in each piece of legislation that sets out the expiry of provisions which themselves allow for obligations to be met in the legislation as it applies in Great Britain to be met by complying with requirements of the corresponding EU law. With the exception of the Measuring Container Bottles (EEC Requirements) Regulations 1977, they replace this provision with provision allowing for relevant economic operators to meet any conformity assessment or testing requirements in the legislation as it applies

in Great Britain to be met by complying with the corresponding EU conformity assessment or testing requirements.

The Regulations also revoke certain transitional measures which are no longer necessary. In some cases, the reference to the relevant EU legislation has been updated so that it is clear that the provisions apply to the most up to date version of the relevant EU law.

Regulation 3 provides that notwithstanding the changes made by these Regulations, any product placed on the market prior to the commencement of these Regulations can continue to be made available after the commencement of these Regulations.

A full impact assessment...