STATUTORY INSTRUMENTS

2019 No. 202

EXITING THE EUROPEAN UNION, NORTHERN IRELAND

ELECTRICITY, NORTHERN IRELAND

CONSUMER PROTECTION, NORTHERN IRELAND

HEALTH AND SAFETY, NORTHERN IRELAND

ENVIRONMENTAL PROTECTION, NORTHERN IRELAND

WEIGHTS AND MEASURES, NORTHERN IRELAND

The Metrology, Health and Safety and Product Safety (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

Sift requirements satisfied	*31st January 2019*
Made - - - -	*6th February 2019*
Laid before Parliament	*8th February 2019*
Coming into force in accordance with regulation 1(2)	

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

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Metrology, Health and Safety and Product Safety (Amendment) (Northern Ireland) (EU Exit) Regulations 2019.

(2) These Regulations come into force on exit day.

(3) These Regulations extend to Northern Ireland.

(**a**) 2018 c. 16.

Amendment of primary and secondary legislation

2. Schedule 1 contains amendments of primary legislation.

3. Schedule 2 contains amendments of secondary legislation.

Kelly Tolhurst
Parliamentary Under Secretary of State
6th February 2019 Department for Business, Energy and Industrial Strategy

SCHEDULE 1

Regulation 2

AMENDMENT OF PRIMARY LEGISLATION

Consumer Protection (Northern Ireland) Order 1987

1.—(1) The Consumer Protection (Northern Ireland) Order 1987(**a**) is amended as follows.

(2) In Article 4(1)—

(a) for "shall have effect" substitute "was enacted";

(b) for "is" substitute "was".

(3) In Article 5(2)(c) for the words from "a member State" to "member States" substitute "the United Kingdom".

(4) In Article 7(1)(a) before "Community" insert "retained".

(5) Omit Article 11.

(6) An Order made under Article 11 continues to have effect despite the repeal of that Article by sub-paragraph (5).

SCHEDULE 2

Regulation 3

AMENDMENT OF SECONDARY LEGISLATION

Measuring Equipment (Liquid Fuel by Road Tanker) Regulations (Northern Ireland) 1984

1.—(1) The Measuring Equipment (Liquid Fuel by Road Tanker) Regulations (Northern Ireland) 1984(**b**) are amended as follows.

(2) In regulation 55A—

(a) in the heading for "another member State" substitute "a member State";

(b) in paragraph (1) for "another member State" substitute "a member State";

(c) in paragraph (2)(b) omit "other than the United Kingdom".

(3) In regulation 57 for "another member State", in both places, substitute "a member State".

Measuring Equipment (Measures of Length) Regulations (Northern Ireland) 1986

2.—(1) The Measuring Equipment (Measures of Length) Regulations (Northern Ireland) 1986(**c**) are amended as follows.

(2) In regulation 22B—

(**a**) 1987 No. 2049 (N.I. 20).
(**b**) S.R. 1984 No. 117; relevant amending instruments are S.R. 1997 No. 220, 2005 No. 26.
(**c**) S.R. 1986 No. 308; relevant amending instruments are S.R. 1999 No. 160, 2005 No. 26.

(a) in the heading for "another member State" substitute "a member State";

(b) in paragraph (1) for "another member State" substitute "a member State";

(c) in paragraph (2)(b) omit "other than the United Kingdom".

(3) In regulation 24 for "another member State", in both places, substitute "a member State".

Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) Regulations (Northern Ireland) 1986

3.—(1) The Weighing Equipment (Filling and Discontinuous Totalising Automatic Weighing Machines) Regulations (Northern Ireland) 1986(**a**) are amended as follows.

(2) In regulation 23A—

(a) in the heading for "another member State" substitute "a member State";

(b) in paragraph (1) for "another member State" substitute "a member State";

(c) in paragraph (2)(b) omit "other than the United Kingdom".

(3) In regulation 32A—

(a) in the heading for "another member State" substitute "a member State";

(b) in paragraph (1) for "another member State" substitute "a member State";

(c) in paragraph (2)(b) omit "other than the United Kingdom".

(4) In regulation 34(2) for "another member State" substitute "a member State".

Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1989

4. In article 3A(2) of the Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1989(**b**), for "European Union" substitute "United Kingdom".

Measuring Equipment (Liquid Fuel and Lubricants) Regulations (Northern Ireland) 1998

5. In the Measuring Equipment (Liquid Fuel and Lubricants) Regulations (Northern Ireland) 1998(**c**) in regulation 16(2)(b) omit "other than the United Kingdom".

Meters (Approval of Pattern or Construction and Manner of Installation) Regulations (Northern Ireland) 1998

6.—(1) The Meters (Approval of Pattern or Construction and Manner of Installation) Regulations (Northern Ireland) 1998(**d**) are amended as follows.

(2) In regulation 2 in the definition of "EEA State" at the end insert ", but does not include the United Kingdom".

(3) In regulation 5(5) omit "other".

Meters (Certification) Regulations (Northern Ireland) 1998

7.—(1) The Meters (Certification) Regulations (Northern Ireland) 1998(**e**) are amended as follows.

(2) In regulation 2 in the definition of "EEA State" at the end insert ", but does not include the United Kingdom".

(3) In regulation 3(1)(b) omit "other".

(**a**) S.R. 1986 No. 311; relevant amending instruments are 1998 No. 374, 2004 No. 189, 2005 No. 26.
(**b**) S.R. 1989 No. 164. Article 3A was inserted by S.R. 2010 No. 203.
(**c**) S.R. 1998 No. 113, amended by S.R 2005 No. 472; there are other amending instruments but none is relevant.
(**d**) S.R. 1998 No. 443.
(**e**) S.R. 1998 No. 444.

(4) In regulation 8(1)(c) and (2) omit "other".

Lifting Operations and Lifting Equipment Regulations (Northern Ireland) 1999

8.—(1) The Lifting Operations and Lifting Equipment Regulations (Northern Ireland) 1999(**a**) are amended as follows.

(2) In regulation 2 (interpretation), in the definition of "EC declaration of conformity"—

(a) for "EC declaration of conformity" substitute "declaration of conformity";

(b) for sub-paragraph (b), substitute—

"(b) the requirements for a declaration of conformity in Article 15 of Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment and repealing Council Directive 89/686/EEC; or".

(3) In regulation 9(1)(b) (thorough examination and inspection), for "an EC declaration of conformity" substitute "a declaration of conformity".

(4) In regulation 11(1) (keeping of information), for "an EC declaration of conformity" substitute "a declaration of conformity".

Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations (Northern Ireland) 2005

9.—(1) The Weighing Equipment (Automatic Gravimetric Filling Instruments) Regulations (Northern Ireland) 2005(**b**) are amended as follows.

(2) In regulation 9—

(a) in the heading for "another EEA State" substitute "an EEA State";

(b) in paragraph (1) for "another EEA State" substitute "an EEA State";

(c) in paragraph (2)(b) omit "other than the United Kingdom".

(3) In regulation 10(2) for "another EEA State" substitute "an EEA State".

Weighing Equipment (Automatic Catchweighing Instruments) Regulations (Northern Ireland) 2006

10. In the Weighing Equipment (Automatic Catchweighing Instruments) Regulations (Northern Ireland) 2006(**c**) in regulation 9(2)(b) omit "other than the United Kingdom".

Weighing Equipment (Beltweighers) Regulations (Northern Ireland) 2006

11. In the Weighing Equipment (Beltweighers) Regulations (Northern Ireland) 2006(**d**) in regulation 14(2)(b) omit "other than the United Kingdom".

The Offshore Installations (Safety Case) Regulations (Northern Ireland) 2007

12.—(1) The Offshore Installations (Safety Case) Regulations (Northern Ireland) 2007(**e**) are amended as follows.

(2) For regulation 2(6)(b) substitute—

"(b) examination of any design, specification, certificate, marking or other document, or standard relating to those elements or that plant by such persons;".

(**a**) S.R. 1999 No. 304 amended by S.I. 2011/2157 and S.I. 2016/1093. There are other amendments not relevant to these Regulations.
(**b**) S.R. 2005 No. 27, to which there are amendments not relevant to these Regulations.
(**c**) S.R. 2006 No. 154, to which there are amendments not relevant to these Regulations.
(**d**) S.R. 2006 No. 157, to which there are amendments not relevant to these Regulations.
(**e**) S.R. 2007 No. 247, to which there are amendments not relevant to these Regulations.

The Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011

13.—(1) The Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011(**a**) are amended as follows.

(2) In regulation 3 (scope of application)—

(a) omit paragraph (5);

(b) after paragraph (6) insert—

"(7) The duties on the importer set out in regulations 5(1)(b) and 6(1)(c) to ensure the package or outer container is marked with specified contact information do not apply where—

(a) the importer has imported the package or outer container from a Member State within the period of 18 months beginning with exit day; and

(b) it is marked with the contact information of the person in that Member State who packed or imported the package or who arranged for the packer to make up or the importer to import the package.".

(3) Omit regulation 11 (notices to the Department).

(4) In regulation 15 (offences relating to E-marks), omit paragraph (2).

(5) In Schedule 5 (application to bread)—

(a) omit paragraph 5;

(b) for paragraph 8, substitute—

"**8.** Regulation 8 does not apply.".

The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations (Northern Ireland) 2016

14.—(1) The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations (Northern Ireland) 2016(**b**) are amended as follows.

(2) For regulation 9(2)(b) substitute—

"(b) examination of any design, specification, certificate, marking or other document, or standard relating to those elements or that plant by a verifier;".

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 the European Union (Withdrawal) Act 2018 in order to address deficiencies in retained EU law arising from the withdrawal of the United Kingdom from the European Union. The deficiencies fall within section 8(2)(g) and (3)(a) of that Act.

These Regulations extend only to Northern Ireland. They amend Northern Ireland primary and secondary legislation relating to weighing and measuring equipment and meters, to health and safety and to product safety.

The Consumer Protection (Northern Ireland) Order 1987 contains in Part II provisions concerning product liability. This is being amended to make minor changes to references which are consequential on the United Kingdom leaving the EU.

(**a**) S.R. 2011 No. 331, as amended by S.R. 2016 No. 187. There are other amendments not relevant to these Regulations.

(**b**) S.R. 2016 No. 406. They were made in part under section 2(2) of the European Communities Act 1972 and accordingly are saved by virtue of section 2(2)(a) of the European Union (Withdrawal) Act 2018.

In respect of the 9 sets of secondary legislation relating to weighing and measuring equipment and meters (those amended by paragraphs 1 to 3, 5 to 7 and 9 to 11 of Schedule 2), that legislation contains provisions that require the recognition of testing carried out in other EU member States or in other States in the European Economic Area ("EEA States") and that recognise technical standards and requirements applicable in such States. The references to EU member States and EEA States other than the United Kingdom reflect the United Kingdom's former membership of the EU and the EEA and are no longer appropriate. These Regulations amend these references accordingly so that they are references simply to member States of the EU and EEA States, and also amend definitions of "EEA State" that include the United Kingdom so that they no longer do so.

The Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011 protect consumers from short measure and ensure they can rely on the accuracy and quantity indications marked on packages whilst making reasonable allowance for small variations. The exemption from certain requirements of the regulations for importers and packers of packages from EEA states is removed, but a new provision allows importers of packages or outer containers from the EEA for the 18 months post exit, to provide the information of the importer from an EEA state instead of their own information.

The Lifting Operations and Lifting Equipment Regulations impose duties on those who own, operate or have control over lifting equipment to ensure that it is safe, including provisions in respect of conformity assessment marking to demonstrate compliance with safety standards. The amendments concern the updating of references to EC declarations of conformity to ensure they remain operable after the United Kingdom leaves the EU.

The Offshore Installations Regulations contain provisions connected with reducing risks of accidents and hazards to health and safety in the workplace for those employed on offshore installations including verification schemes for ensuring that safety critical plant is suitable and in good condition. The amendments concern the updating of references to EU certifications marks so that suitable marking requirements will remain operable after the United Kingdom leaves the EU.

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

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