EXPLANATORY MEMORANDUM TO

THE WEIGHTS AND MEASURES ETC. (MISCELLANEOUS) (AMENDMENT) REGULATIONS 2019

2019 No. 5

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Business, Energy and Industrial Strategy and is laid before Parliament by Command of Her Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 This instrument will make a number of minor technical amendments to the Weights and Measures Act 1985, the Weights and Measures (Packaged Goods) Regulations 2006, the Measuring Instruments Regulations 2016, the Non-Automatic Weighing Instruments Regulations 2016 and the Electrical Equipment (Safety) Regulations 2016.

2.2 This instrument will also amend The Weights and Measures (Northern Ireland) Order 1981 and The Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011, both of which only apply to Northern Ireland. This is because, in the continued absence of a Northern Ireland Executive, UK Government Ministers have decided that in the interest of legal certainty, the UK Government will take through necessary Northern Ireland secondary legislation at Westminster. This is being undertaken in close consultation with the relevant Northern Ireland department.

2.3 All of the amendments in this instrument correct minor drafting errors in the original regulations.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 As these Regulations correct errors in a number of instruments, they are being issued free of charge to all known recipients of those instruments.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument varies between provisions. The provisions amending the Measuring Instruments Regulations 2016, the Non-Automatic Weighing Instruments Regulations 2016 and the Electrical Equipment (Safety) Regulations 2016 apply to the whole of the UK. The provisions amending the

Weights and Measures Act 1985 apply to England, Scotland and Wales only. The provisions amending The Weights and Measures (Northern Ireland) Order 1981 and The Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011 apply to Northern Ireland only.

4.2 The territorial application of this instrument is the same as its extent.

5. European Convention on Human Rights

5.1 The Minister for Small Business, Consumers and Corporate Responsibility, Kelly Tolhurst, has made the following statement regarding Human Rights:

"In my view the provisions of the Weights and Measures etc. (Miscellaneous) (Amendment) Regulations 2019 are compatible with the Convention rights."

6. Legislative Context

6.1 The instrument corrects minor drafting errors using section 2(2) of the European Communities Act 1972.

6.2 The changes need to be made before the UK leaves the European Union as section 2(2) of the European Communities Act 1972 is being repealed by the European Union (Withdrawal) Act 2018 on exit day.

7. Policy background

What is being done and why?

7.1 These Regulations correct drafting errors in a number of instruments.

7.2 Two of the instruments it amends extend only to Northern Ireland. The UK Government is amending these instruments in the interest of legal certainty in the absence of a Northern Ireland Executive. The relevant Northern Ireland department has been consulted.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 This instrument does not raise any issues of consolidation.

10. Consultation

10.1 No consultation exercise was conducted as these Regulations correct minor drafting errors in a number of instruments and do not make any changes to policy.

10.2 The Northern Ireland Department for the Economy was consulted on the proposed amendments and were content.

11. Guidance

11.1 Guidance has not been produced for this instrument, given the regulations will continue to function as before. Existing guidance on the instruments being amended is available as follows.

11.2 Guidance on the Weights and Measures Act 1985 is available online:

https://www.gov.uk/guidance/national-regulation-weights-and-measures

Guidance on the Weights and Measures (Packaged Goods) Regulations 2006 is available online:

https://www.gov.uk/guidance/packaged-goods-weights-and-measures-regulations

Guidance on the Measuring Instruments Regulations 2016 is available online:

https://www.gov.uk/government/publications/measuring-instruments-regulations-2016

Guidance on the Non-Automatic Weighing Instruments Regulations 2016 is available online:

https://www.gov.uk/government/publications/non-automatic-weighing-instruments

Guidance on the Electrical Equipment (Safety) Regulations 2016 is available online:

https://www.gov.uk/government/publications/electrical-equipment-safety-regulations-2016

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because it does not impose any costs to the public sector or to businesses

13. Regulating small business

13.1 The legislation applies to activities that are undertaken by small businesses.

13.2 The Government considers that this instrument is not expected to impose a disproportionate cost to small businesses.

14. Monitoring & review

14.1 The Department does not intend to monitor this instrument. However, some of the underlying measures include review clauses to review the regulatory provisions made under them.

14.2 As this instrument is made under the European Communities Act 1972, no review clause is required.

15. Contact

15.1 Ryan Bruce at the Department for Business, Energy and Industrial Strategy Telephone: 020 7215 3362 or email: ryan.bruce@beis.gov.uk can be contacted with any queries regarding the instrument.

15.2 Sarah Smith, Deputy Director for the Office for Product Safety and Standards, at the Department for Business, Energy and Industrial Strategy can confirm that this Explanatory Memorandum meets the required standard.

15.3 Kelly Tolhurst, Minister for Small Business, Consumers and Corporate Responsibility at the Department for Business, Energy and Industrial Strategy can confirm that this Explanatory Memorandum meets the required standard.