
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Supply of Machinery (Safety) Regulations 1992 (S.I.1992/3073) (“the principal Regulations”). They implement Council Directive [93/44/EEC](#) and Article 6 of Council Directive [93/68/EEC](#), which amend Council Directive [89/392/EEC](#) on the approximation of the laws of the member States relating to machinery, as amended by Council Directive [91/368/EEC](#).

The amendments made by regulation 3 and Schedule 1 come into force immediately, although the transitional provisions in regulation 8 of the principal Regulations continue to operate until 31st December 1994. Paragraph 3 of Schedule 1 amends the essential health and safety requirements in Schedule 3 to the principal Regulations and paragraph 4 substitutes a revised list of machinery posing special hazards in Schedule 4 to those Regulations.

Certain minor amendments are made to the principal Regulations by Part II of Schedule 1.

Regulation 4 and Schedule 2 further amend the principal Regulations as from 1st January 1995 in four main respects.

The principal Regulations are amended to apply to safety components for machinery which are supplied separately. Paragraph 2 of Schedule 2 provides that the definitions and regulations specified in it apply in respect of safety components. Paragraph 5(e) inserts a definition of “safety component” in regulation 2(2) of the principal Regulations and paragraph 6(b) adds a definition of “a relevant safety component” to regulation 3. Paragraph 12 includes provisions in substituted regulation 11 of the principal Regulations to apply its provisions to safety components. Paragraph 10 adds a new regulation 8A which applies the transitional provisions of regulation 8 of the principal Regulations to safety components which comply with the national law in force on 14th June 1993 until 31st December 1996. Paragraph 16 amends regulation 26 to provide that a safety component which is accompanied by an EC declaration of conformity shall be taken to comply with all the provisions of the Machinery Directive. Paragraph 22 adds some safety components to Schedule 4 of the principal Regulations (also some items of machinery).

The principal Regulations are further amended to implement Article 6 of Council Directive [93/68/EEC](#) (the CE Marking Directive). Paragraph 4 provides that the term “CE Marking” replaces “EC Mark” and a revised symbol is shown in a new Schedule 2A which is added to the principal Regulations by paragraph 20 with transitional arrangements for the use of the mark in Schedule 2 until 1st January 1997 (paragraph 5(a)). Paragraph 15 substitutes amended provisions in respect of proper affixation of the CE marking to machinery in regulation 25(1) and paragraph 17 amends regulation 28 to provide for a notice to be given to a responsible person (as defined in the principal Regulations) who has not properly affixed the CE marking unless the machinery in question is not safe. Amended regulation 28 further provides that enforcement action can only be taken in respect of that machinery if the period given in the notice has expired without the machinery being brought into conformity. Paragraph 5(d) amends the definition of safe in regulation 2(2) of the principal Regulations to include risks to health.

Thirdly, paragraph 23 substitutes a new Schedule 5 (excluded machinery) in the principal Regulations. It removes lifting equipment designed for raising and/or moving persons which becomes subject to the principal Regulations but with extended transitional arrangements (see paragraph 10 inserting new Regulation 8A) and additional essential health and safety requirements (see paragraph 21 adding section 6 to Schedule 3 to the principal Regulations). Other lifting equipment is added to Schedule 5 which is set out in full in paragraph 23.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Fourthly, paragraph 12 substitutes a new regulation 11 which limits the application of regulation 12 to the supply of relevant machinery or a relevant safety component by a responsible person, in effect the person who first places the equipment on the Community market. A general duty is imposed on any person supplying relevant machinery or a relevant safety component to ensure that it is safe.

The principal Regulations were extended by the European Economic Area Act 1993 (1993 c. 51) so that, unless the context otherwise requires, a reference to the Community in those Regulations is to be read as a reference to the European Economic Area and a reference to a member State as a reference to an EEA State. These Regulations adopt the extended wording.

Regulation 5 makes consequential amendments to Schedule 1 to the Provision and Use of Work Equipment Regulations 1992.

A Compliance Cost Assessment in respect of these Regulations is available and a copy can be obtained from the Department of Trade and Industry, Standards Policy Unit, 3rd Floor, 151 Buckingham Palace Road, London SW1W 9SS.