THE SUPPLY OF MACHINERY (SAFETY) REGULATIONS 2008

PART 1

1. Citation, commencement and revocation
2. Interpretation
3. Placing on the market and putting into service; supplies outside the EEA and showing at trade fairs not covered

PART 2

4. Products to which Regulations apply; definition of “machinery”
5. Disapplication where more specific Community safety rules apply
6. Partly completed machinery

PART 3

7. Supply of machinery: general obligations and prohibition
8. Supply of partly completed machinery: general obligations and prohibition
9. Putting machinery into service

Conformity assessment procedures

10. Machinery not referred to in Annex IV
11. Annex IV machinery manufactured fully in accordance with published harmonised standards and fully covered by such standards
12. Annex IV machinery not manufactured fully in accordance with published harmonised standards or not fully covered by such standards
PART 4

13. CE-marked machinery to be taken to comply with Regulations
14. Machinery covered by more than one Directive
15. Protection of CE marking

PART 5

16. Designation and monitoring of UK notified bodies
17. Duration, variation and termination of designations
18. Functions of UK notified bodies
19. Fees

PART 6

20. General duties and powers of enforcement authorities
21. Non-compliance with CE marking requirements
22. Offences and penalties
23. Defence of due diligence
24. Liability of persons other than the principal offender

PART 7

25. Amendment of the Lifts Regulations 1997
26. Other amendments
27. Consequential disapplication of domestic health and safety law
28. Time-limited derogation for impact machinery

Signature

SCHEDULE 1 — REGULATIONS REVOKED

SCHEDULE 2 — ANNEXES TO THE DIRECTIVE

PART 1 — Annex I: Essential health and safety requirements relating to the design and construction of machinery

GENERAL PRINCIPLES

PART 2 — Annex II: Declarations
PART 3 — Annex III: CE marking
PART 4 — Annex IV: Categories of machinery to which one of the procedures referred to in regulation 11 or 12 must be applied
PART 5 — Annex V: Indicative list of safety components
PART 6 — Annex VI: Assembly instructions for partly completed machinery
PART 7 — Annex VII: Technical files
PART 8 — Annex VIII: Assessment of conformity with internal checks on the manufacture of machinery
PART 9 — Annex IX: EC type-examination
PART 10 — Annex X: Full quality assurance
PART 11 — Annex XI: Minimum criteria to be taken into account by Member States for the notification of bodies
SCHEDULE 3 — PRODUCTS TO WHICH THE REGULATIONS DO NOT APPLY
1. These Regulations do not apply to— (a) safety components which...
2. The following products are subject to these Regulations—

SCHEDULE 4 — APPEALS AGAINST NOTIFIED BODY DECISIONS
1. Where a manufacturer or authorised representative (“the appellant”) is aggrieved...
2. Any appeal made under paragraph 1 (“an appeal”) shall be—....
3. No person shall be appointed as an Appeal Officer unless...
4. An appeal must be made by giving a notice of...
5. On receiving the notice of appeal, the Secretary of State...
6. The notice of appeal must— (a) state the name and...
7. The respondent may make a written response to the notice...
8. The Appeal Officer must send a copy of the written...
9. The Appeal Officer may— (a) give the appellant and the...
10. The Appeal Officer may— (a) make enquiries of any person;...
11. The Appeal Officer may specify the time and place at...
12. In determining an appeal, the Appeal Officer must—
13. Where a decision is remitted the respondent must reconsider it...
14. The Appeal Officer may dismiss an appeal at any stage...
15. If satisfied that the appeal was not brought within the...
16. The Appeal Officer may dismiss an appeal at any stage...
17. The Appeal Officer must give the appellant and the respondent...

SCHEDULE 5 — ENFORCEMENT

General duties of enforcement authorities
1. Except as specified in paragraph 3, it shall be the...
2. Except as specified in paragraph 3, it shall be the...
3. It shall be the duty of the Office of Rail...
4. It shall be the duty of the Health and Safety...
5. It shall be the duty of every district council in...
6. The Secretary of State may enforce these Regulations in relation...

Powers of the Health and Safety Executive and the Office of Rail Regulation as enforcement authorities
7. In relation to the enforcement of these Regulations by the...
8. For the purposes of the enforcement of these Regulations by...

Powers of the Health and Safety Executive for Northern Ireland as an enforcement authority
9. In relation to the enforcement of these Regulations by the...
10. For the purposes of the enforcement of these Regulations by...

Powers of other enforcement authorities
11. In relation to the enforcement of these Regulations by local...
12. For the purposes of the enforcement of these Regulations by...
13. In relation to proceedings for an offence in relation to...

Forfeiture: England and Wales and Northern Ireland
14. (1) An enforcement authority in England and Wales or Northern...
Forfeiture: Scotland

15. (1) In Scotland a sheriff may make an order for...

Duty of enforcement authority to inform Secretary of State of action taken

16. Any enforcement authority (other than the Secretary of State) which...

Savings

17. (1) Nothing in these Regulations prevents an enforcement authority from...
18. Nothing in these Regulations shall authorise an enforcement authority to...

SCHEDULE 6 — AMENDMENTS TO THE LIFTS REGULATIONS 1997
1. In this Schedule, any reference to a regulation or Schedule...
2. For regulation 2(1)(b) there shall be substituted the following—
3. In regulation 2(1)(c)(ii), for “Directive 98/37/EC” there shall be substituted...
4. Before the definition of “CE marking” in regulation 2(2), there...
5. The following shall be substituted for the definition of “lift”...
6. In Schedule 1— (a) for each of the references to...
7. For the lifts specified in Schedule 14 (Excluded lifts) there...

SCHEDULE 7 — OTHER AMENDMENTS
1. The Provision and Use of Work Equipment Regulations 1998
2. The Lifting Operations and Lifting Equipment Regulations 1998
3. The Pressure Equipment Regulations 1999
7. The Legislative and Regulatory Reform (Regulatory Functions) Order 2007

Explanatory Note