
STATUTORY INSTRUMENTS

2008 No. 1597

The Supply of Machinery (Safety) Regulations 2008

PART 1

Preliminary

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Supply of Machinery (Safety) Regulations 2008 and shall come into force on 29th December 2009.

(2) The Regulations listed in the first column of the table in Schedule 1 are revoked to the extent specified in the third column of that table.

Interpretation

2.—(1) In these Regulations—

- (a) references to “the Directive” are references to Directive [2006/42/EC](#) of the European Parliament and of the Council on machinery, and amending Directive [95/16/EC](#)(1); and
- (b) Annexes I to XI to the Directive are reproduced in Schedule 2 (with minor changes reflecting the Directive’s application to the EEA(2), and certain details of the Directive’s implementation in these Regulations – in particular, the use of certain defined terms and the adoption of gender neutral drafting), so that each Annex is a separate Part of that Schedule; accordingly, where reference is made to an Annex designated by a Roman numeral, the reference is to the Part of Schedule 2 designated by the corresponding Arabic numeral and reproducing the text of the Annex to the Directive designated by that Roman numeral in the Directive.

(2) In these Regulations—

“the 1974 Act” means the Health and Safety at Work etc Act 1974(3);

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978(4);

“the 1987 Act” means the Consumer Protection Act 1987(5);

“the 1992 Regulations” means the Supply of Machinery (Safety) Regulations 1992(6);

“applicable” means, in relation to the application of essential health and safety requirements to any machine, those essential health and safety requirements which are expressed in Annex I (Part 1 of Schedule 2) as applying either to all machinery or to machinery of a category to which that machine belongs or which has a characteristic that it shares;

(1) O.J. No. L 157, 9.6.2006, p.24, with corrigendum at O.J. No. L 76, 16.3.2007, p.35.

(2) By virtue of Decision No. 6/2007 of the EEA Joint Committee: O.J. No. L 209, 9.8.2007, p.8.

(3) 1974 c.37.

(4) S.I. 1978/1039 (N.I. 9).

(5) 1987 c.43.

(6) S.I. 1992/3073, amended by S.I. 1994/2063, S.I. 2004/693 and S.I. 2005/831.

“authorised representative” means a person established in an EEA state who has received a written mandate from the manufacturer to perform, on the manufacturer’s behalf, all or part of the obligations and formalities imposed on manufacturers (either as “manufacturers” or “responsible persons”) by these Regulations or otherwise in connection with the Directive;

“CE marking” means a mark consisting of the symbol “CE” set out in the form shown in Annex III (Part 3 of Schedule 2);

“chains, ropes and webbing” has the meaning given in regulation 4(2)(e);

“Commission” means Commission of the European Communities;

“conformity assessment” means the assessment, in accordance with Annex VIII, IX or X (Part 8, Part 9 or Part 10 of Schedule 2), of whether machinery, or a representative model of machinery, satisfies the applicable requirements of these Regulations, and “conformity assessment procedure” means the procedures specified in any of those Annexes;

“enforcement authority” means—

- (a) in Great Britain, subject to sub-paragraph (b)—
 - (i) in relation to machinery and partly completed machinery for use at work, the Health and Safety Executive; and
 - (ii) in relation to any other machinery or partly completed machinery—
 - (aa) within each local weights and measures authority’s area, that authority; or
 - (bb) the Secretary of State;
- (b) the Office of Rail Regulation where, in Great Britain, the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006⁽⁷⁾ make it the enforcing authority, within the meaning of section 18(7) of the 1974 Act, in relation to machinery for use in the operation of a railway, tramway or any other system of guided transport, as defined in those Regulations; and
- (c) in Northern Ireland—
 - (i) in relation to machinery and partly completed machinery for use at work, the Health and Safety Executive for Northern Ireland; and
 - (ii) in relation to any other machinery or partly completed machinery—
 - (aa) within each district council’s area, that council; or
 - (bb) the Secretary of State;

“essential health and safety requirements” means the requirements set out in Annex I (Part 1 of Schedule 2), sections 1 to 6, read in the light of the General Principles set out at the start of that Annex;

“follow”, in relation to a responsible person and a conformity assessment procedure, means the responsible person complying with the requirements which the conformity assessment procedure, as expressed in Annex VIII, IX or X (Part 8, Part 9 or Part 10 of Schedule 2), imposes on responsible persons;

“harmonised standard” means a non-binding technical specification adopted by the European Committee for Standardisation (CEN), the European Committee for Electrotechnical Standardisation (CENELEC) or the European Telecommunications Standards Institute (ETSI), on the basis of a remit issued by the Commission in accordance with the procedures laid down in Directive [98/34/EC](#) of the European Parliament and of the Council of 22 June 1998

(7) [S.I. 2006/557](#), to which there are amendments not relevant to these Regulations.

laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services⁽⁸⁾;

“the Health and Safety Executive” (except where express reference is made to the Health and Safety Executive for Northern Ireland) means the Health and Safety Executive established under section 10 of the 1974 Act;

“the Health and Safety Executive for Northern Ireland” means the Health and Safety Executive for Northern Ireland established under Article 12 of the 1978 Order;

“interchangeable equipment” has the meaning given in regulation 4(2)(b);

“lifting accessory” has the meaning given in regulation 4(2)(d);

“machine” means an item of machinery;

“machinery” has the meaning given in regulation 4(3);

“manufacturer” means, in relation to machinery or partly completed machinery—

- (a) a person who designs or manufactures that machinery or partly completed machinery—
 - (i) with a view to its being placed on the market under that person’s own name or trademark; or
 - (ii) for that person’s own use in an EEA state; or
- (b) if there is no such person, the person who places that machinery or partly completed machinery on the market or puts it into service;

“notified body” means—

- (a) a UK notified body;
- (b) a person designated as a notified body for the purposes of the Directive by another EEA state and notified by that state to the Commission and the other EEA states under Article 14(1) of the Directive; or
- (c) a person recognised for the purpose of carrying out the functions of a notified body under the Directive under or by virtue of—
 - (i) a mutual recognition agreement relating to the Directive; or
 - (ii) a similar agreement (including a Protocol to a Europe Agreement, or another Agreement, on Conformity Assessment and Acceptance of Industrial Products), which has been concluded between the European Community and a state other than an EEA state;

“notified body criteria” has the meaning given in regulation 16(6);

“notified body designation” has the meaning given in regulations 16(2) and (4);

“official Community language” means an official language of an EEA state;

“partly completed machine” means an item of partly completed machinery;

“partly completed machinery” has the meaning given in regulation 6;

“place on the market” and related expressions have the meaning given in regulation 3;

“published harmonised standard” has the meaning given in regulation 7(4);

“put into service” and related expressions have the meaning given in regulation 3;

“removable mechanical transmission device” has the meaning given in regulation 4(2)(f);

“responsible person” means, in relation to machinery or partly completed machinery—

⁽⁸⁾ O.J. No. L 204, 21.7.1998, p.37, as amended by Directives 98/48/EC (O.J. No. L 217, 5.8.1998, p.18) and 2006/96/EC (O.J. No. L 363, 20.12.2006, p.81).

- (a) the manufacturer of that machinery or partly completed machinery; or
- (b) the manufacturer's authorised representative;

“safe” means, in relation to machinery, that when it is properly installed and maintained, and used for the purposes for which it is intended, or under conditions which can reasonably be foreseen, it does not—

- (a) endanger the health of, or result in death or injury to, any person; or
- (b) where appropriate—
 - (i) endanger the health of, or result in death or injury to, domestic animals; or
 - (ii) endanger property;

“safety component” has the meaning given in regulation 4(2)(c);

“UK notified body” has the meaning given in regulation 16(3) and (4); and

“use at work” means, in relation to machinery or partly completed machinery, use or operation—

- (a) by persons at work (whether exclusively or not); or
- (b) otherwise than at work, in non-domestic premises made available to persons at a place where they may use the machinery or partly completed machinery provided for their use there,

and for these purposes, “at work” has the same meaning as it does under or by virtue of section 52 of the 1974 Act for the purposes of Part 1 of that Act.

Placing on the market and putting into service; supplies outside the EEA and showing at trade fairs not covered

3.—(1) In these Regulations, subject to paragraph (2)—

- (a) references to placing machinery or partly completed machinery on the market are references to making it available in an EEA state—
 - (i) for the first time;
 - (ii) with a view to distribution or use, whether by the person making it available or another; and
 - (iii) whether for reward or free of charge; and
- (b) references to putting any machinery or partly completed machinery into service are references to the first time that it is used for its intended purpose in an EEA state.

(2) For the purposes of these Regulations, machinery or partly completed machinery shall not be regarded as being placed on the market or put into service where—

- (a) it does not have affixed to it either the CE marking, or any inscription likely to be confused with the CE marking, and—
 - (i) it will not be put into service in an EEA state;
 - (ii) it is imported into an EEA state for re-export to a country which is not an EEA state; or
 - (iii) it is imported into an EEA state other than in the course of a business by a person who intends to use it other than in the course of a business; or
- (b) it is shown at a trade fair, exhibition or other similar demonstration; provided that, where any machinery or partly completed machinery which does not comply with the requirements of these Regulations which would apply to it but for this paragraph is shown at a trade fair, exhibition or other similar demonstration, the responsible person—

- (i) displays a notice in relation to it, stating that—
 - (aa) it does not comply with the requirements of these Regulations; and
 - (bb) it will not be made available until it does comply with those requirements;and
- (ii) takes adequate safety measures to ensure that it does not kill or injure any person.