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STATUTORY INSTRUMENTS

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**1992 No. 3073**

**The Supply of Machinery (Safety) Regulations 1992**

**PART I**

**PRELIMINARY**

**Citation, commencement and revocation**

1.—(1) These Regulations may be cited as the Supply of Machinery (Safety) Regulations 1992 and shall come into force on 1st January 1993.

(2) The Regulations specified in the first column of Schedule 1 hereto are hereby revoked with effect from the date specified in the second column of that Schedule provided that each of the Regulations so specified shall continue to apply in respect of the machinery to which they respectively apply and which was supplied for the first time in the Community in accordance with the applicable Regulations on or before 31st December 1995.

**Interpretation**

2.—(1) In these Regulations, the “Machinery Directive” means Council Directive [89/392/EEC](#) on the approximation of the laws of the Member States relating to machinery<sup>(1)</sup> as amended by Council Directive [91/368/EEC](#)<sup>(2)</sup>.

(2) In these Regulations, unless the context otherwise requires—

“approved body” shall be construed in accordance with regulation 17 below;

“business” includes a profession and an undertaking, and a supply in the course of a business includes any supply by a business;

“certificate of adequacy” shall be construed in accordance with regulation 20(1) below;

“the Commission” means the Commission of the European Communities;

“the Community” means the European Economic Community;

“declaration of incorporation” shall be construed in accordance with regulation 23(2) below;

“EC declaration of conformity” shall be construed in accordance with regulation 22 below;

“EC mark” means a mark consisting of the symbol “CE” set out in the form shown in Schedule 2 hereto, followed by the last two figures of the year in which it is affixed;

“EC type-examination” shall be construed in accordance with regulation 21(1) below;

“EC type-examination certificate” means a certificate issued by an approved body certifying that an example of relevant machinery satisfies those provisions of the Machinery Directive which apply to it;

“enforcement authority” means—

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(1) OJ No. L183, 29.6.89, p.9; the second sub-paragraph of Article 8.4 was corrected in the Corrigendum to the Council Directive OJ No. L296, 14.10.89, p.40.

(2) OJ No. L198, 22.7.91, p.16.

- (a) in Great Britain, the Health and Safety Executive established under section 10 of the Health and Safety at Work etc. Act 1974<sup>(3)</sup>;
- (b) in Northern Ireland, subject to paragraph 2(1) of Schedule 6 hereto, the Department of Economic Development and the Department of Agriculture; and
- (c) save in paragraph 3(b) of Schedule 6 hereto, each of the authorities referred to in the said paragraph 3(b);

“essential health and safety requirements” means the requirements in Annex I of the Machinery Directive which is set out in Schedule 3 hereto;

“harmonised standard” means a technical specification adopted by the European Committee for Standardisation or the European Committee for Electrotechnical Standardisation or both, upon a mandate from the Commission in accordance with Council Directive 83/189/EEC of 28th March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations<sup>(4)</sup>, and of which the reference number is published in the Official Journal of the European Communities;

“interchangeable equipment” shall be construed in accordance with regulation 4(c) below;

“machinery” has the meaning given by regulation 4 below;

“relevant essential health and safety requirements” in relation to relevant machinery means those provisions of the essential health and safety requirements which are applicable to that particular relevant machinery for the purposes of establishing that it satisfies the essential health and safety requirements of the Machinery Directive:

Provided that, subject to regulation 10(1)(a) below, in so far as such provisions relate to risks which are covered by other Community Directives and to the extent that any enactment implementing any such Directive applies to that machinery those provisions shall not be relevant essential health and safety requirements for the purposes of these Regulations;

“relevant machinery” shall be construed in accordance with regulation 3(2) below;

“responsible person” means, in relation to relevant machinery,

- (a) the manufacturer of that machinery;
- (b) the manufacturer’s authorised representative established in the Community; or
- (c) where the manufacturer is not established in the Community and either—
  - (i) he has not appointed an authorised representative established in the Community; or
  - (ii) his authorised representative established in the Community is not the supplier of that machinery,

the person who first supplies the relevant machinery in the Community;

and, in this definition and in regulation 11(2)(a) below, “the manufacturer” includes any person who assembles machinery or parts thereof to form relevant machinery;

“safe” in relation to relevant machinery means that, when the machinery is properly installed and maintained and used for the purposes for which it is intended, there is no risk (apart from one reduced to a minimum) of its being the cause or occasion of death or injury to persons or, where appropriate, to domestic animals or damage to property, and cognate expressions shall be construed accordingly:

For the purposes of this definition, when considering whether or not a risk has been reduced to a minimum, regard shall be had to the practicability of so reducing that risk at the time of the construction of the relevant machinery;

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(3) 1974 c. 37.

(4) OJ No. L109, 26.4.83, p.8. Council Directive 83/189/EEC was amended by Council Directive 88/182/EEC (OJ No. L81, 26.3.88, p.75).

“Schedule 4 machinery” means machinery posing special hazards which is specified in Annex IV of the Machinery Directive and listed in Schedule 4 hereto;

“series manufacture” means the manufacture of more than one item of relevant machinery of the same type in accordance with a common design;

“standard” means a technical specification approved by a recognised standardising body for repeated or continuous application, with which compliance is not compulsory;

“supply” is to be read in accordance with section 46 of the Consumer Protection Act 1987<sup>(5)</sup> and includes offering to supply, agreeing to supply, exposing for supply and possessing for supply, and cognate expressions shall be construed accordingly:

Provided that “supply” does not include exhibition at trade fairs and exhibitions of relevant machinery in respect of which the provisions of these Regulations are not satisfied if a notice is displayed in relation to the machinery in question to the effect—

- (a) that it does not satisfy those provisions; and
- (b) that it may not lawfully be supplied until the responsible person has ensured that those provisions are satisfied;

“technical file” shall be construed, in respect of relevant machinery other than Schedule 4 machinery, in accordance with regulation 13(1) below and, in respect of relevant machinery which is Schedule 4 machinery, in accordance with regulation 14(2) below;

“technical specification” means a specification contained in a document which lays down the characteristics required of relevant machinery such as levels of quality, performance, safety or dimensions, including the requirements applicable to the relevant machinery as regards terminology, symbols, testing and test methods, packaging, marking or labelling; and

“transposed harmonised standard” means a national standard of a member State—

- (a) which transposes a harmonised standard; and
- (b) the reference number of which has been published by that member State in adoption thereof pursuant to Article 5.2 of the Machinery Directive.