
STATUTORY INSTRUMENTS

1992 No. 3073

The Supply of Machinery (Safety) Regulations 1992

PART II

APPLICATION

Relevant machinery

3.—(1) These Regulations apply to relevant machinery.

(2) Relevant machinery is all machinery within the meaning of regulation 4 below other than machinery which is excluded from the scope of these Regulations pursuant to regulations 5 to 10 below.

Definition of “machinery”

4. For the purposes of these Regulations, machinery is—

- (a) an assembly of linked parts or components, at least one of which moves including, without prejudice to the generality of the foregoing, the appropriate actuators, control and power circuits, joined together for a specific application, in particular for the processing, treatment, moving or packaging of a material;
- (b) an assembly of machines, that is to say, an assembly of items of machinery as referred to in paragraph (a) above which, in order to achieve the same end, are arranged and controlled so that they function as an integral whole notwithstanding that the items of machinery may themselves be relevant machinery and accordingly severally required to comply with these Regulations; or
- (c) interchangeable equipment modifying the function of a machine which is supplied for the purpose of being assembled with an item of machinery as referred to in paragraph (a) above or with a series of different items of machinery or with a tractor by the operator himself save for any such equipment which is a spare part or tool.

General exclusions

Excluded machinery

5. These Regulations do not apply to machinery specified in Schedule 5 hereto.

Machinery for export to a third country

6.—(1) These Regulations do not apply to machinery which the supplier believes (with reasonable cause) will not be put into service either in the United Kingdom or in another member State.

(2) Paragraph (1) above shall not apply if the EC mark, or any inscription liable to be confused therewith, is affixed to the machinery.

Transitional exclusions

Machinery first supplied or put into service before 1st January 1993

7. These Regulations do not apply to machinery first supplied or put into service in the Community before 1st January 1993.

Exclusion until 31st December 1994 of machinery which complies with health and safety provisions in force in a member State on 31st December 1992

8.—(1) Subject to paragraph (2) below, these Regulations do not apply to machinery first supplied or put into service in the Community on or before 31st December 1994 which—

- (a) complies with any health and safety provisions with which it would have been required to comply for it to be lawfully supplied in the United Kingdom on 31st December 1992; or
- (b) in the case of machinery supplied in the United Kingdom which the supplier believes (with reasonable cause) will be put into service in another member State, complies with the health and safety provisions in relation to the supply and putting into service of that machinery in force in that member State on 31st December 1992.

(2) The exceptions provided in paragraph (1) above do not apply in the case of machinery which—

- (a) in the case of machinery which is not required to bear the EC mark pursuant to any other Community obligation, bears the EC mark or an inscription liable to be confused therewith; or
- (b) bears or is accompanied by any other indication, howsoever expressed, that it complies with the Machinery Directive.

(3) In this regulation, “health and safety provisions” means any requirement imposed by an enactment which has the same, or substantially the same, effect as any of the essential health and safety requirements which would, but for the provisions of this regulation, be applicable to that machinery for the purposes of complying with these Regulations.

Exclusion of machinery covered by other Directives

Exclusion of specific machinery

9.—(1) These Regulations do not apply to—

- (a) roll-over protective structures as referred to in Article 1 of Council Directive [86/295/EEC](#) on the approximation of the laws of the member States relating to roll-over protective structures (ROPS) for certain construction plant(1);
- (b) falling-object protective structures as referred to in Article 1 of Council Directive [86/296/EEC](#) on the approximation of the laws of the member States relating to falling-object protective structures (FOPS) for certain construction plant(2); or
- (c) industrial trucks as referred to in Article 1 of Council Directive [86/663/EEC](#) on the approximation of the laws of the member States relating to self-propelled industrial trucks(3),

which are supplied or put into service for the first time in the Community before 1st July 1995.

(1) OJ No. L186, 8.7.86, p.1.

(2) OJ No. L186, 8.7.86, p.10.

(3) OJ No. L384, 31.12.86, p.12. Council Directive [86/663/EEC](#) was adapted to technical progress by Commission Directive [89/240/EEC](#) (OJ No. L100, 12.4.89, p.1).

(2) On and after 1st July 1995, in respect of machinery mentioned in paragraph (1) above which is supplied or put into service for the first time in the Community on or before 31st December 1995, a supplier may comply with—

- (a) the requirements of these Regulations; or
- (b) the requirements of—
 - (i) in the case of roll-over protective structures, the Roll-over Protective Structures for Construction Plant (EEC Requirements) Regulations 1988(4);
 - (ii) in the case of falling-object protective structures, the Falling-object Protective Structures for Construction Plant (EEC Requirements) Regulations 1988(5); or
 - (iii) in the case of industrial trucks, in Great Britain, the Self-Propelled Industrial Trucks (EEC Requirements) Regulations 1988(6) as amended by the Self-Propelled Industrial Trucks (EEC Requirements) (Amendment) Regulations 1989(7), and in Northern Ireland, the Self-Propelled Industrial Trucks (EEC Requirements) Regulations (Northern Ireland) 1990(8).

Machinery where risks are wholly covered by other Directives

10.—(1) These Regulations do not apply to—

- (a) machinery where all the essential health and safety requirements which would have applied to it, but for the provisions of this sub-paragraph, relate to risks wholly covered by Community Directives other than the Machinery Directive to the extent that any enactment implementing any such Directive is applicable to that machinery; or
- (b) machinery which is electrical equipment in so far as the risks as to the safety of such equipment are mainly of electrical origin.

(2) In paragraph (1)(b) above, “electrical equipment” has the meaning given by Article 1 of Council Directive [73/23/EEC](#) on the harmonization of the laws of member States relating to electrical equipment designed for use within certain voltage limits(9).

(4) S.I. 1988/363.

(5) S.I. 1988/362.

(6) S.I. 1988/1736.

(7) S.I. 1989/1035.

(8) S.R. 1990 No. 172.

(9) OJ No. L77, 26.3.73, p.29.