
STATUTORY INSTRUMENTS

1992 No. 3073

The Supply of Machinery (Safety) Regulations 1992

PART III

GENERAL REQUIREMENTS

Declaration and marking procedures

EC declaration of conformity

22.—(1) Drawing up an EC declaration of conformity is the procedure whereby the responsible person declares in respect of each item of relevant machinery which he supplies in the Community that that particular item of relevant machinery complies with all the essential health and safety requirements applying to it.

(2) An EC declaration of conformity must—

- (a) state the business name and full address of—
 - (i) the responsible person; and
 - (ii) where that person is not the manufacturer, of the manufacturer;
- (b) contain a description of the machinery to which the declaration relates which, without prejudice to the generality of the foregoing, includes, in particular—
 - (i) its make;
 - (ii) type; and
 - (iii) serial number;
- (c) indicate all relevant provisions with which the machinery complies;
- (d) state in the case of relevant machinery in relation to which an EC typeexamination certificate has been issued the name and address of the approved body which issued the certificate and the number of such certificate;
- (e) state in the case of relevant machinery in respect of which a technical file as described in regulation 14(2) above has been drawn up the name and address of the approved body to which the file has been sent or which has drawn up a certificate of adequacy for the file, as the case may be;
- (f) specify (as appropriate) the transposed harmonised standards used;
- (g) specify (as appropriate) the national standards and any technical specifications used; and
- (h) identify the person authorised to sign the declaration on behalf of the responsible person.

(3) An EEC declaration of conformity must be—

- (a) drawn up in the same language as the instructions for the machinery are drawn up as specified in paragraph 1.7.4(b) of Schedule 3 hereto; and
- (b) typed or written by hand in block capitals.

(4) In the case of relevant machinery in respect of which the responsible person has carried out one of the conformity assessment procedures described in regulations 13, 14(1)(a) or 14(1)(b) above, the responsible person must state in the EC declaration of conformity that the item of machinery to which the declaration relates complies with the relevant essential health and safety requirements.

(5) In the case of relevant machinery in respect of which the responsible person has carried out the conformity assessment procedure described in regulation 14(1)(c) or 15 above and an EC type-examination certificate has been issued in respect of an example of that machinery, and such certificate remains valid, the responsible person must state that the item of machinery in respect of which the declaration is made conforms with the example to which that certificate relates.

(6) For the purposes of these Regulations, the requirement in paragraph (2)(c) above shall be satisfied where the EC declaration of conformity specifies the Machinery Directive and any other Community Directives with which the relevant machinery complies.

Declaration of incorporation

23.—(1) This regulation applies in the case of relevant machinery which—

- (a) is intended for—
 - (i) incorporation into other machinery; or
 - (ii) assembly with other machinery,
to constitute relevant machinery;
- (b) cannot function independently; and
- (c) is not interchangeable equipment.

(2) A declaration of incorporation is a document whereby a responsible person declares the matters referred to in paragraph (1)(a) above and which includes the particulars set out in paragraph (3) below.

(3) A declaration of incorporation must—

- (a) state the name and address of the responsible person;
- (b) contain a description of the machinery or machinery parts;
- (c) state in the case of relevant machinery in respect of which an EC typeexamination certificate has been issued the name and address of the approved body which issued the certificate and the number of such certificate;
- (d) state in the case of relevant machinery in respect of which a technical file as described in regulation 14(2) above has been drawn up the name and address of the approved body to which the file has been sent or which has drawn up a certificate of adequacy for the file, as the case may be;
- (e) specify the transposed harmonised standards (if any) used;
- (f) state that the machinery (to which the declaration of incorporation relates) must not be put into service until the relevant machinery into which it is to be incorporated has been declared in conformity with the provisions of the Machinery Directive; and
- (g) identify the person signing the declaration of incorporation.

Retention of documentation

24.—(1) A responsible person who issues EC declarations of conformity or declarations of incorporation, as the case may be, in the United Kingdom shall retain on his premises the technical file or a copy of the technical file submitted to an approved body, as the case may be, which relates to the relevant machinery in respect of which such declarations are made so that such file is available

to the enforcement authorities for a period of 10 years beginning with the date on which the last unit of relevant machinery to which the file relates is produced.

(2) Nothing in paragraph (1) above shall require the responsible person to keep the documents comprising a technical file available as a permanent file provided that all the required documents are individually available and can be assembled into a technical file.

(3) For the avoidance of doubt, it is hereby declared that for the purposes of enforcing these Regulations a technical file is a document or record and shall be construed accordingly in any of the statutory provisions applied to these Regulations pursuant to Schedule 6 hereto.

The EC mark

25.—(1) For the purposes of these Regulations, the EC mark shall be regarded as properly affixed to relevant machinery if—

- (a) the responsible person who affixes the EC mark to the relevant machinery has issued an EC declaration of conformity in respect thereof;
- (b) the EC mark is affixed to the relevant machinery in a distinct, visible, legible and indelible manner; and
- (c) in the case of relevant machinery which is the subject of Community Directives other than the Machinery Directive, the requirements of those other Directives have also been complied with in respect of the relevant machinery.

(2) No person shall affix the EC mark to any relevant machinery unless that machinery—

- (a) satisfies the relevant essential health and safety requirements; and
- (b) is safe.

(3) No mark or inscription which is capable of being confused with the EC mark shall be affixed to relevant machinery.

(4) A person who supplies relevant machinery which does not bear the EC mark shall, at the request of an enforcement authority, or of an officer of such an authority, give any information which he has, or which is available to him, concerning the date when the relevant machinery was first supplied in the Community and explain (so far as he is able) why the machinery does not bear that mark.