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STATUTORY INSTRUMENTS

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**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** **E+W+S**

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](#)<sup>F1</sup>, as amended by Directive [2009/127/EC](#) of the European Parliament and of the Council amending Directive [2006/42/EC](#) with regard to machinery for pesticide application<sup>F2</sup> (as it had effect immediately before IP completion day); 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<sup>M1</sup>, 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<sup>M2</sup>;

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978<sup>M3</sup>;

“the 1987 Act” means the Consumer Protection Act 1987<sup>M4</sup>;

“the 1992 Regulations” means the Supply of Machinery (Safety) Regulations 1992<sup>M5</sup>;

“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;

<sup>F3</sup>“approved body” has the meaning given to it in regulation 16A;]

“authorised representative” means a person established in [<sup>F4</sup>the United Kingdom] 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;

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...

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

F6  
...

“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;

[<sup>F7</sup>“designated standard” has the meaning given to it in regulation 2A;]

“enforcement authority” means—

- (a) in Great Britain, subject to sub-paragraph (b) [<sup>F8</sup>and (ba)]—
  - (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) [<sup>F9</sup>the Office of Rail and Road] where, in Great Britain, the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006 <sup>M6</sup> 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
- (ba) [<sup>F10</sup>the Office for Nuclear Regulation in relation to—
  - (i) machinery and partly completed machinery which is intended exclusively or primarily for use on a relevant nuclear site; or
  - (ii) putting machinery into service on such a site.]
- (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;

[<sup>F11</sup>“essential health and safety requirements” means the requirements set out in Annex I (Part 1 of Schedule 2), being requirements relating to the design and construction of the products to which these Regulations apply to ensure a high level of protection of the health and safety of persons and, where appropriate, of domestic animals and property and, in the case of machinery referred to in section 2.4 of Annex I, of the environment;]

“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;

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...

“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 [<sup>F13</sup>Great Britain]; 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;

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“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;

F18 ...

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

[<sup>F19</sup>“relevant nuclear site” means a site which is—

- (a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013);
- (b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998); or
- (c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations);]

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

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

- (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; [<sup>F20</sup>or  
 (c) in the case of machinery referred to in section 2.4 of Annex I (Part 1 of Schedule 2), endanger the environment;]

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

[<sup>F21</sup>“UK marking” means the marking in the form set out in Annex 2 of Regulation (EC) No 765/2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93;]

“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.

#### Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F1** Words in [reg. 2\(1\)\(a\)](#) inserted (15.12.2011) by [The Supply of Machinery \(Safety\) \(Amendment\) Regulations 2011 \(S.I. 2011/2157\)](#), [regs. 1, 3\(2\)](#)
- F2** Words in [reg. 2\(1\)\(a\)](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1, Sch. 12 para. 2\(2\)](#) (with [Sch. 12 para. 22](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#) and [S.I. 2020/852](#), [regs. 2\(2\), 4\(2\)](#), [Sch. 1 para. 1\(d\)\(i\)](#)); [2020 c. 1, Sch. 5 para. 1\(1\)](#)
- F3** Words in [reg. 2\(2\)](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1, Sch. 12 para. 2\(3\)\(a\)](#) (with [Sch. 12 para. 22](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); [2020 c. 1, Sch. 5 para. 1\(1\)](#)
- F4** Words in [reg. 2\(2\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations \(2020 S.I. 2020/1460\)](#), [reg. 1\(2\)](#), [Sch. 5 para. 1\(2\)](#)
- F5** Words in [reg. 2\(2\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1, Sch. 12 para. 2\(3\)\(c\)](#) (with [Sch. 12 para. 22](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); [2020 c. 1, Sch. 5 para. 1\(1\)](#)
- F6** Words in [reg. 2\(2\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1, Sch. 12 para. 2\(3\)\(d\)](#) (with [Sch. 12 para. 22](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); [2020 c. 1, Sch. 5 para. 1\(1\)](#)
- F7** Words in [reg. 2\(2\)](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1, Sch. 12 para. 2\(3\)\(e\)](#) (with [Sch. 12 para. 22](#)) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#)); [2020 c. 1, Sch. 5 para. 1\(1\)](#)
- F8** Words in [reg. 2\(2\)](#) inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), [art. 1\(2\)](#), [Sch. 3 para. 129\(2\)\(a\)](#) (with [Sch. 4](#))
- F9** Words in [reg. 2\(2\)](#) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), [reg. 1\(2\)](#), [Sch. para. 10\(t\)\(i\)](#)

- F10** Words in reg. 2(2) inserted (1.4.2014) by The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014 (S.I. 2014/469), art. 1(2), **Sch. 3 para. 129(2)(b)** (with Sch. 4)
- F11** Words in reg. 2(2) substituted (15.12.2011) by The Supply of Machinery (Safety) (Amendment) Regulations 2011 (S.I. 2011/2157), regs. 1, **3(3)(a)**
- F12** Words in reg. 2(2) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 12 para. 2(3)(f)** (with Sch. 12 para. 22) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in reg. 2(2) substituted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 12 para. 2(3)(g)** (with Sch. 12 para. 22) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), **Sch. 3 para. 7(2)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F14** Words in reg. 2(2) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 12 para. 2(3)(h)(i)** (with Sch. 12 para. 22) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in reg. 2(2) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 12 para. 2(3)(h)(ii)** (with Sch. 12 para. 22) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in reg. 2(2) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 12 para. 2(3)(h)(iii)** (with Sch. 12 para. 22) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in reg. 2(2) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 12 para. 2(3)(h)(iv)** (with Sch. 12 para. 22) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in reg. 2(2) omitted (E.W.S.) (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 12 para. 2(3)(h)(v)** (with Sch. 12 para. 22) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F19** Words in reg. 2(2) inserted (1.4.2014) by The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014 (S.I. 2014/469), art. 1(2), **Sch. 3 para. 129(3)** (with Sch. 4)
- F20** Words in reg. 2(2) inserted (15.12.2011) by The Supply of Machinery (Safety) (Amendment) Regulations 2011 (S.I. 2011/2157), regs. 1, **3(3)(b)**
- F21** Words in reg. 2(2) inserted (E.W.S.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696), reg. 1, **Sch. 12 para. 2(3)(i)** (with Sch. 12 para. 22) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

#### Marginal Citations

- M1** By virtue of Decision No. 6/2007 of the EEA Joint Committee: O.J. No. L 209, 9.8.2007, p.8.
- M2** 1974 c.37.
- M3** S.I. 1978/1039 (N.I. 9).
- M4** 1987 c.43.
- M5** S.I. 1992/3073, amended by S.I. 1994/2063, S.I. 2004/693 and S.I. 2005/831.
- M6** S.I. 2006/557, to which there are amendments not relevant to these Regulations.

#### Interpretation **N.I.**

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<sup>F30</sup>, as amended by Directive 2009/127/EC of the European Parliament and of the Council amending Directive 2006/42/EC with regard to machinery for pesticide application]; 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 [<sup>F31</sup>and Northern Ireland]<sup>F32</sup>, 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 <sup>F33</sup>;

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978 <sup>F34</sup>;

“the 1987 Act” means the Consumer Protection Act 1987 <sup>F35</sup>;

“the 1992 Regulations” means the Supply of Machinery (Safety) Regulations 1992 <sup>F36</sup>;

“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;

“authorised representative” means a person established in [<sup>F37</sup>a relevant] 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 [<sup>F38</sup>European Union];

“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) [<sup>F39</sup>and (ba)]—

(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) [<sup>F40</sup>the Office of Rail and Road] where, in Great Britain, the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006 <sup>F41</sup> 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

(ba) [<sup>F42</sup>the Office for Nuclear Regulation in relation to—

(i) machinery and partly completed machinery which is intended exclusively or primarily for use on a relevant nuclear site; or

- (ii) putting machinery into service on such a site.]
- (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;

[<sup>F43</sup>“essential health and safety requirements” means the requirements set out in Annex I (Part 1 of Schedule 2), being requirements relating to the design and construction of the products to which these Regulations apply to ensure a high level of protection of the health and safety of persons and, where appropriate, of domestic animals and property and, in the case of machinery referred to in section 2.4 of Annex I, of the environment;]

“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 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services <sup>F44</sup>;

“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 [<sup>F45</sup>a relevant] 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;

[<sup>F46</sup>“NI Protocol obligation” means any obligation created or arising by or under the Protocol on Ireland/ Northern Ireland in the EU withdrawal agreement, whether or not an obligation to which section 7A(2) of the European Union (Withdrawal) Act 2018 applies;]

“notified body” means—

- (a) a UK notified body;

- (b) a person designated as a notified body for the purposes of the Directive by another [<sup>F47</sup>relevant] state and notified by that state to the Commission and the other [<sup>F47</sup>relevant] 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 [<sup>F38</sup>European Union and a state other than [<sup>F48</sup>a relevant] 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;

[<sup>F49</sup>“relevant market” means—

- (a) the market of Northern Ireland; and
- (b) the markets of the EEA states;]

[<sup>F50</sup>“relevant nuclear site” means a site which is—

- (a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013);
- (b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998); or
- (c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations);]

[<sup>F51</sup>“relevant state” means—

- (a) Northern Ireland; or
- (b) any EEA state;]

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

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

- (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; [<sup>F52</sup>or



(c) in the case of machinery referred to in section 2.4 of Annex I (Part 1 of Schedule 2), endanger the environment;]

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

[<sup>F53</sup>“UK(NI) indication” means the marking in the form set out in Schedule 1 to the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020;]

“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.]

#### Extent Information

- E3** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F30** Words in reg. 2(1)(a) inserted (15.12.2011) by [The Supply of Machinery \(Safety\) \(Amendment\) Regulations 2011 \(S.I. 2011/2157\)](#), regs. 1, **3(2)**
- F31** Words in reg. 2(1)(b) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 4 para. 2(1)(a)**
- F32** By virtue of Decision No. 6/2007 of the EEA Joint Committee: O.J. No. L 209, 9.8.2007, p.8.
- F33** 1974 c.37.
- F34** S.I. 1978/1039 (N.I. 9).
- F35** 1987 c.43.
- F36** S.I. 1992/3073, amended by S.I. 1994/2063, S.I. 2004/693 and S.I. 2005/831.
- F37** Words in reg. 2(2) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), **Sch. 4 para. 2(1)(b)(i)(aa)**
- F38** Words in Regulations substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, **3-6**
- F39** Words in reg. 2(2) inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 3 para. 129(2)(a)** (with Sch. 4)
- F40** Words in reg. 2(2) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 10(t)(i)**
- F41** S.I. 2006/557, to which there are amendments not relevant to these Regulations.
- F42** Words in reg. 2(2) inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 3 para. 129(2)(b)** (with Sch. 4)
- F43** Words in reg. 2(2) substituted (15.12.2011) by [The Supply of Machinery \(Safety\) \(Amendment\) Regulations 2011 \(S.I. 2011/2157\)](#), regs. 1, **3(3)(a)**
- F44** 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).

- F45** Words in reg. 2(2) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 4 para. 2(1)(b)(i)(bb)**
- F46** Words in reg. 2(2) inserted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 4 para. 2(1)(b)(ii)**
- F47** Word in reg. 2(2) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 4 para. 2(1)(b)(iii)**
- F48** Words in reg. 2(2) substituted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 4 para. 2(1)(b)(i)(cc)**
- F49** Words in reg. 2(2) inserted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 4 para. 2(1)(b)(iv)**
- F50** Words in reg. 2(2) inserted (1.4.2014) by The Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014 (S.I. 2014/469), art. 1(2), **Sch. 3 para. 129(3)** (with Sch. 4)
- F51** Words in reg. 2(2) inserted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment) (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1112), reg. 1(b), **Sch. 4 para. 2(1)(b)(v)**
- F52** Words in reg. 2(2) inserted (15.12.2011) by The Supply of Machinery (Safety) (Amendment) Regulations 2011 (S.I. 2011/2157), regs. 1, **3(3)(b)**
- F53** Words in reg. 2(2) inserted (N.I.) (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020 (S.I. 2020/1460), reg. 1(2), **Sch. 2 para. 3(2)**

## <sup>F22</sup>Designated standard

**2A.—**(1) Subject to paragraphs (6) and (7), in these Regulations a “designated standard” means a technical specification which is—

- (a) adopted by a recognised standardisation body [<sup>F23</sup>or an international standardising body], for repeated or continuous application, with which compliance is not compulsory; and
- (b) designated by the Secretary of State by publishing the reference to the standard and maintaining that publication in a manner the Secretary of State considers appropriate.

(2) For the purposes of paragraph (1), a “technical specification” means a document that prescribes technical requirements to be fulfilled by a product, process, service or system and which lays down one or more of the following—

- (a) the characteristics required of a product, including—
  - (i) levels of quality, performance, interoperability, environmental protection, health, safety or dimensions; and
  - (ii) the requirements applicable to the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking or labelling and conformity assessment procedures; and
- (b) production methods and processes relating to the product, where these have an effect on the characteristics of the product.

(3) For the purposes of this regulation a “recognised standardisation body” means any one of the following organisations—

- (a) the European Committee for Standardisation (CEN);
- (b) the European Committee for Electrotechnical Standardisation (Cenelec);

- (c) the European Telecommunications Standards Institute (ETSI);
- (d) the British Standards Institution (BSI).

[<sup>F24</sup>(3A) In this regulation “international standardising body” has the same meaning as it has for the purposes of the Agreement on Technical Barriers to Trade, part of Annex 1A to the agreement establishing the World Trade Organisation signed at Marrakesh on 15 April 1994 (as modified from time to time).]

(4) When considering whether the manner of publication of a reference is appropriate in accordance with paragraph (1)(b), the Secretary of State must have regard to whether the publication will draw the standard to the attention of any person who may have an interest in the standard.

(5) Before publishing the reference to a technical specification adopted by the British Standards Institution, the Secretary of State must have regard to whether the technical specification is consistent with [<sup>F25</sup>such] technical specifications adopted by the other recognised standardisation bodies [<sup>F26</sup>or by international standardising bodies as the Secretary of State considers to be relevant.]

(6) The Secretary of State may remove from publication the reference to a standard which has been published in accordance with paragraph (1)(b).

(7) Where the Secretary of State removes the reference to a standard from publication, that standard is no longer a designated standard.

(8) In this regulation, a reference to a “product” is a reference to machinery to which these Regulations apply.

(9) The Secretary of State may by regulations amend paragraph (3) to reflect any changes in the name or structure of the recognised standardisation bodies.

(10) Regulations made under paragraph (9) are to be made by statutory instrument.

(11) A statutory instrument containing regulations made under paragraph (9) is subject to annulment in pursuance of a resolution of either House of Parliament.]

- F22** Reg. 2A inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 12 para. 3** (with Sch. 12 para. 22) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F23** Words in reg. 2A(1)(a) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(7), **Sch. 4 para. 3(a)**; S.I. 2020/1662, reg. 2(ee)
- F24** Reg. 2A(3A) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(7), **Sch. 4 para. 3(b)**; S.I. 2020/1662, reg. 2(ee)
- F25** Word in reg. 2A(5) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(7), **Sch. 4 para. 3(c)(i)**; S.I. 2020/1662, reg. 2(ee)
- F26** Words in reg. 2A(5) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(7), **Sch. 4 para. 3(c)(ii)**; S.I. 2020/1662, reg. 2(ee)

### **Placing on the market and putting into service; supplies outside [<sup>F27</sup>Great Britain] and showing at trade fairs not covered **E+W+S****

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 [<sup>F28</sup>Great Britain]—

(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 [<sup>F28</sup>Great Britain].
- (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 [<sup>F29</sup>UK] marking, or any inscription likely to be confused with the [<sup>F29</sup>UK] marking, and—
    - (i) it will not be put into service in [<sup>F28</sup>Great Britain];
    - (ii) it is imported into [<sup>F28</sup>Great Britain] state for re-export to a country which is not [<sup>F28</sup>Great Britain]; or
    - (iii) it is imported into [<sup>F28</sup>Great Britain] 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.

#### Extent Information

- E2** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F27** Words in reg. 3 heading substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 12 para. 4(a)** (as substituted by [S.I. 2020/676](#), regs. 1(1), **4(3)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F28** Words in reg. 3 substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 12 para. 4(b)** (with [Sch. 12 para. 22](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), **2**), [4\(3\)\(b\)](#); 2020 c. 1, **Sch. 5 para. 1(1)**
- F29** Word in [reg. 3\(2\)\(a\)](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 12 para. 4(c)** (with [Sch. 12 para. 22](#)) (as amended by [S.I. 2020/676](#), regs. 1(1), **2**); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

#### Placing on the market and putting into service; supplies outside the [<sup>F54</sup>relevant market] and showing at trade fairs not covered **N.I.**

- 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 [<sup>F55</sup>a relevant] 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 [<sup>F55</sup>a relevant] 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 [<sup>F56</sup>a relevant] state;
- [<sup>F57</sup>(ii) is imported into the relevant market for re-export to a market outside of the relevant market;]
- (iii) it is imported into [<sup>F58</sup>a relevant] 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.

#### Extent Information

- E4** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F54** Words in [reg. 3 heading](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 4 para. 2\(2\)\(a\)](#)
- F55** Words in [reg. 3\(1\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 4 para. 2\(2\)\(b\)](#)
- F56** Words in [reg. 3\(2\)\(a\)\(i\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 4 para. 2\(2\)\(c\)](#)
- F57** [Reg. 3\(2\)\(a\)\(ii\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 4 para. 2\(2\)\(d\)](#)
- F58** Words in [reg. 3\(2\)\(a\)\(iii\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 4 para. 2\(2\)\(c\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Supply of Machinery (Safety) Regulations 2008, PART 1.