
STATUTORY INSTRUMENTS

2008 No. 1597

The Supply of Machinery (Safety) Regulations 2008

PART 2

Application

Products to which Regulations apply; definition of “machinery”

- 4.—(1) These Regulations apply—
- (a) to products in respect of which the following conditions are satisfied—
 - (i) that they fall within one of the descriptions of products specified in paragraph (2);
 - (ii) that they do not fall within any of the categories of products specified in Schedule 3 as being products to which these Regulations do not apply;
 - (iii) that they are placed on the market or put into service on or after 29th December 2009; and
 - (iv) that these Regulations are not disapplied in respect of them by regulation 5; and
 - (b) to partly completed machinery, as defined in regulation 6.
- (2) The following descriptions of products are specified in this paragraph—
- (a) assemblies which fall within one of the following descriptions—
 - (i) an assembly, fitted with or intended to be fitted with a drive system other than directly applied human or animal effort, consisting of linked parts or components, at least one of which moves, and which are joined together for a specific application;
 - (ii) an assembly as referred to in sub-paragraph (i), missing only the components to connect it on site or to sources of energy and motion;
 - (iii) an assembly as referred to in sub-paragraph (i) or (ii), ready to be installed and able to function as it stands only if mounted on a means of transport, or installed in a building or structure;
 - (iv) assemblies of machinery as referred to in sub-paragraphs (i), (ii) and (iii) or partly completed machinery, which, in order to achieve the same end, are arranged and controlled so that they function as an integral whole;
 - (v) an assembly of linked parts or components, at least one of which moves and which are joined together, intended for lifting loads and whose only power source is directly applied human effort;
 - (b) devices which, after the putting into service of machinery or of a tractor, are assembled with that machinery or tractor by operators themselves in order to change its function or attribute a new function, in so far as they are not tools (“interchangeable equipment”);
 - (c) components—
 - (i) which serve to fulfil a safety function;
 - (ii) which are independently placed on the market;

- (iii) the failure or malfunction of which endangers the safety of persons; and
- (iv) which are not necessary in order for the machinery to function, or for which other components which do not fall within sub-paragraphs (i) to (iii) may be substituted in order for the machinery to function, (“safety components”, examples of which are listed in Annex V (Part 5 of Schedule 2));
- (d) components or equipment (including slings and their components) which—
 - (i) are not attached to lifting machinery;
 - (ii) allow a load to be held;
 - (iii) are placed between the machinery and the load or on the load itself, or are intended to constitute an integral part of the load; and
 - (iv) are independently placed on the market (“lifting accessories”);
- (e) chains, ropes and webbing designed and constructed for lifting purposes as part of lifting machinery or lifting accessories (“chains, ropes and webbing”); and
- (f) removable components for transmitting power between self-propelled machinery or a tractor and another machine by joining them at the first fixed bearing (“removable mechanical transmission devices”) (when such components are placed on the market with a guard the components and the guard together shall be regarded as one product).

(3) Subject to paragraph (4), in these Regulations, the word “machinery” refers to products of any of the descriptions specified in paragraph (2) in respect of which the conditions specified in paragraph (1)(a)(ii), (iii) and (iv) are satisfied.

(4) Where an essential health and safety requirement is expressed to apply both to “machinery” generally and to a particular description of machinery referred to in paragraph (2)(b), (c), (d), (e) or (f), the general reference to “machinery” is to be understood—

- (a) as not referring to machinery of that particular description; and
- (b) as referring only to those descriptions of machinery referred to in paragraph (2) for which the hazard corresponding to that essential health and safety requirement exists when they are used under the conditions foreseen by the responsible person or in foreseeable abnormal situations.

Disapplication where more specific Community safety rules apply

5. These Regulations do not apply to a product if, or to the extent that, Community directives other than the Directive, which apply to it, make more specific provision than the Directive in connection with the hazards referred to in Annex I (Part 1 of Schedule 2).

Partly completed machinery

6.—(1) Subject to paragraph (2), provisions of these Regulations which refer to “partly completed machinery” apply to drive systems and other assemblies which—

- (a) are almost machinery;
- (b) cannot in themselves perform a specific application; and
- (c) are only intended to be incorporated into or assembled with other machinery or other partly completed machinery or equipment, thereby forming machinery.

(2) Paragraph (1) does not apply to assemblies of the kind described in paragraph (1) which—

- (a) are placed on the market before 29th December 2009; or

- (b) are only intended to be incorporated into or assembled with other products to form a product which falls within any of the categories of products specified in Schedule 3 as being products to which these Regulations do not apply.