

STATUTORY INSTRUMENTS

2008 No. 1597

The Supply of Machinery (Safety) Regulations 2008

PART 4

[^{F1}CE Marking][^{F1}UK Marking]

F1 Pt. 4 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. 10** (with Sch. 12 para. 22) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

[^{F2}UK] -marked machinery to be taken to comply with Regulations E+W+S

13.—(1) Unless there is evidence to the contrary—

- (a) an enforcement authority;
- (b) the Secretary of State (where the Secretary of State is not an enforcement authority); and
- (c) any court or tribunal of competent jurisdiction which is called upon to decide a matter which involves the application of these Regulations,

shall presume that machinery which bears the [^{F3}UK] marking and is accompanied by [^{F4}a] declaration of conformity which complies with Annex II (Part 2 of Schedule 2), part 1, section A complies with these Regulations.

[^{F5}(1A) For the purposes of paragraph (1) machinery bears the UK marking if, in accordance with regulation 7(2A), the UK marking is affixed to —

- (a) a label affixed to the machinery; or
- (b) a document accompanying the machinery.]

(2) The failure or refusal by a responsible person, in response to a duly reasoned request from an enforcement authority, to make the technical file or a copy of it available in accordance with Annex VII (Part 7 of Schedule 2), part A, point 2 shall be reasonable grounds for the authority—

- (a) to doubt the conformity of machinery with the essential health and safety requirements, in accordance with Annex VII, part A, point 3; or
- (b) to doubt the conformity of partly completed machinery with the essential health and safety requirements, in accordance with Annex VII, part B, last paragraph,

and it may make such use of its powers under Schedule 5 as is appropriate in the light of such doubts.

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

- F2** Word in reg. 13 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. 11(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)
- F3** Word in reg. 13(1) 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. 11(b)(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)
- F4** Word in reg. 13(1) 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. 11(b)(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)
- F5** Reg. 13(1A) inserted (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. 11(c)** (as inserted by S.I. 2020/1460, reg. 1(4), **Sch. 3 para. 7(6)**); 2020 c. 1, **Sch. 5 para. 1(1)**

CE -marked machinery to be taken to comply with Regulations **N.I.**

13.—(1) Unless there is evidence to the contrary—

- (a) an enforcement authority;
- (b) the Secretary of State (where the Secretary of State is not an enforcement authority); and
- (c) any court or tribunal of competent jurisdiction which is called upon to decide a matter which involves the application of these Regulations,

shall presume that machinery which bears the CE marking and is accompanied by an EC declaration of conformity which complies with Annex II (Part 2 of Schedule 2), part 1, section A complies with these Regulations.

[^{F18}(1A) For the purposes of paragraph (1) machinery bears the UK marking if, in accordance with regulation 7(2A), the UK marking is affixed to —

- (a) a label affixed to the machinery; or
- (b) a document accompanying the machinery.]

(2) The failure or refusal by a responsible person, in response to a duly reasoned request from an enforcement authority, to make the technical file or a copy of it available in accordance with Annex VII (Part 7 of Schedule 2), part A, point 2 shall be reasonable grounds for the authority—

- (a) to doubt the conformity of machinery with the essential health and safety requirements, in accordance with Annex VII, part A, point 3; or
- (b) to doubt the conformity of partly completed machinery with the essential health and safety requirements, in accordance with Annex VII, part B, last paragraph,

and it may make such use of its powers under Schedule 5 as is appropriate in the light of such doubts.

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
- F18** Reg. 13(1A) inserted by S.I. 2019/696, Sch. 12 para. 11(c) (as inserted) by *The Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020* (S.I. 2020/1460), reg. 1(4), **Sch. 3 para. 7(6)**

Machinery covered by more than one [^{F6}enactment] **E+W+S**

14.—(1) Subject to paragraph (2), where machinery falls within the scope of [^{F7}an [^{F8}enactment]] other than [^{F9}these Regulations] (“[^{F10}the other enactment]”), the affixing of the [^{F11}UK] marking indicates that the relevant requirements of [^{F10}the other enactment] are also satisfied.

(2) Where—

- (a) the other [^{F12}enactment] includes a provision allowing the responsible person to choose, during a transitional period that has not ended, the system to be applied;
- (b) the responsible person takes advantage of this option; and
- (c) the particulars of the other [^{F12}enactment] which the responsible person has chosen to apply, ^{F13}... are given in the ^{F14}... declaration of conformity,

the affixing of the [^{F15}UK] marking indicates that the machinery conforms only to the provisions of the other [^{F12}enactment] which the responsible person has chosen to apply.

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
- F6** Word in reg. 14 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. 12(2)** (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. 14 substituted (22.4.2011) by *The Treaty of Lisbon (Changes in Terminology) Order 2011* (S.I. 2011/1043), art. 2, **Sch. 1 para. 10(3)** (with arts. 3(2)(3), 6(4)(5))
- F8** Word in reg. 14(1) 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. 12(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)**
- F9** Words in reg. 14(1) 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. 12(3)(b)** (with Sch. 12 para. 22) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in reg. 14(1) 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. 12(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)
- F11** Word in reg. 14(1) 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. 12(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)
- F12** Word in reg. 14(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. 12(4)(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)
- F13** Words in reg. 14(2)(c) 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. 12(4)(b)(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)
- F14** Word in reg. 14(2)(c) 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. 12(4)(b)(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)
- F15** Word in reg. 14(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. 12(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)

Machinery covered by more than one Directive **N.I.**

14.—(1) Subject to paragraph (2), where machinery falls within the scope of [F19]an [F20]NI Protocol obligation]] other than the Directive (“the [F21]other NI Protocol obligation]”), the affixing of the CE marking indicates that the relevant requirements of the [F21]other NI Protocol obligation] are also satisfied.

(2) Where—

- (a) the [F21]other NI Protocol obligation] includes a provision allowing the responsible person to choose, during a transitional period that has not ended, the system to be applied;
- (b) the responsible person takes advantage of this option; and
- (c) the particulars of the [F21]other NI Protocol obligation] which the responsible person has chosen to apply, as published in the *Official Journal of the European Union*, are given in the EC declaration of conformity,

the affixing of the CE marking indicates that the machinery conforms only to the provisions of the [F21]other NI Protocol obligation] which the responsible person has chosen to apply.

Extent Information

- E5** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F19** Words in reg. 14 substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), art. 2, **Sch. 1 para. 10(3)** (with arts. 3(2)(3), 6(4)(5))
- F20** Words in reg. 14 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. 4(a)**
- F21** Words in reg. 14 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. 4(b)**

Protection of [F16]UK] marking **E+W+S**

15.—(1) No person shall affix the [F17]UK] marking to machinery which does not comply with these Regulations.

(2) No person shall affix to machinery any marking, sign or inscription which is likely to mislead any other person as to the meaning or form of the [F17]UK] marking (or both).

(3) Other markings may be affixed to machinery which bears the [F17]UK] marking only if the visibility, legibility or meaning of the [F17]UK] marking is not impaired as a result.

Extent Information

- E3** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F16** Word in reg. 15 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. 13** (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** Word in reg. 15 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. 13** (with Sch. 12 para. 22) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Protection of CE marking **N.I.**

15.—(1) No person shall affix the CE marking to machinery which does not comply with these Regulations.

(2) No person shall affix to machinery any marking, sign or inscription which is likely to mislead any other person as to the meaning or form of the CE marking (or both).

(3) Other markings may be affixed to machinery which bears the CE marking only if the visibility, legibility or meaning of the CE marking is not impaired as a result.

Extent Information

E6 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Changes to legislation:

There are currently no known outstanding effects for the The Supply of Machinery (Safety) Regulations 2008, PART 4.