

SCHEDULE 7

Regulation 26

OTHER AMENDMENTS

The Provision and Use of Work Equipment Regulations 1998

1. In Schedule 1 to the Provision and Use of Work Equipment Regulations 1998(1)—
 - (a) the entry relating to the 1992 Regulations shall be deleted; and
 - (b) a new entry shall be inserted at the end, as follows—
 - (i) in the first column: “The Supply of Machinery (Safety) Regulations 2008”; and
 - (ii) in the second column, the S.I. number of these Regulations.

The Lifting Operations and Lifting Equipment Regulations 1998

2. In regulation 2(1) of the Lifting Operations and Lifting Equipment Regulations 1998(2)—
 - (a) the definition of “the 1992 Regulations” shall be deleted; and
 - (b) in sub-paragraph (a) of the definition of “EC declaration of conformity”, for “regulation 22 of the 1992 Regulations”, there shall be substituted “section A of part 1 of Part 2 of Schedule 2 to the Supply of Machinery (Safety) Regulations 2008”.

The Pressure Equipment Regulations 1999

3. In the Pressure Equipment Regulations 1999(3)—
 - (a) for regulation 2(1)(b) there shall be substituted the following—
 - “(b) except for the reference to the European Communities in the definition of “the Commission” and in relation to the Official Journal, a reference to the Community includes a reference to the European Economic Area, and a reference to a member State includes a reference to an EEA state which is not a member State; and”;
 - (b) for regulation 2(4) there shall be substituted—
 - “(4) For the purposes of these Regulations, an item of pressure equipment or an assembly which is made available for the first time in the Community, whether for reward or free of charge, shall not be regarded as having been placed on the market if, prior to its being made so available, it has been used otherwise than in the course of business at all times since its manufacture or import.”; and
 - (c) for the first indent in paragraph 6 of Schedule 1, there shall be substituted—
 - “Directive [2006/42/EC](#) of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive [95/16/EC](#).”.

The Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001

- 4.—(1) For regulation 2(1)(b) of the Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001(4) (“the 2001 Regulations”), there shall be substituted—
 - “(b) except for the reference to the European Communities in the definition of “the Commission” and in relation to the Official Journal, a reference to the Community

(1) S.I. 1998/2306, amended by S.I. 2005/831; there are other amending instruments but none is relevant.
(2) S.I. 1998/2307, amended by S.I. 2005/831; there are other amending instruments but none is relevant.
(3) S.I. 1999/2001, to which there are amendments not relevant to these Regulations.
(4) S.I. 2001/1701, amended by S.I. 2001/3958; there are other amending instruments but none is relevant.

Status: This is the original version (as it was originally made).

includes a reference to the European Economic Area, and a reference to a member State includes a reference to an EEA state which is not a member State; and”.

(2) For the definition of “equipment for use outdoors”, in regulation 2(2) of the 2001 Regulations there shall be substituted the following—

““equipment for use outdoors” means all the kinds of machinery referred to in Article 2(a), (b) and (c) of Directive [2006/42/EC](#) of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive [95/16/EC](#), that is to say—

- (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”); and
- (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,

to the extent that they are either self-propelled or can be moved and which, irrespective of the driving element(s), are intended to be used, according to their type, in the open air and which contribute to environmental noise exposure, including non-powered equipment for industrial or environmental applications which is intended, according to its type, to be used outdoors and which contributes to environmental noise exposure;”.

(3) In regulation 3(2) of the 2001 Regulations, for “paragraphs 1.5.8 and 1.7.4(f) of Schedule 3 to the Supply of Machinery (Safety) Regulations 1992” there shall be substituted “sections 1.5.8 and 1.7.4(u) of Part 1 of Schedule 2 to the Supply of Machinery (Safety) Regulations 2008”.

The Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Specification) Order 2004

5. In Schedule 1 to the Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Specification) Order 2004(5) a new entry shall be inserted at the end, as follows—

(5) [S.I. 2004/693](#), to which there are amendments not relevant to these Regulations.

“The Supply of Machinery (Safety) Regulations 2008.”.

The Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006

6. In Schedule 1 to the Merchant Shipping and Fishing Vessels (Provision and Use of Work Equipment) Regulations 2006⁽⁶⁾—

- (a) the entry relating to the 1992 Regulations shall be deleted; and
- (b) a new entry shall be inserted at the end, as follows—
 - (i) in the left-hand column: “The Supply of Machinery (Safety) Regulations 2008”; and
 - (ii) in the right-hand column, the S.I. number of these Regulations.

The Legislative and Regulatory Reform (Regulatory Functions) Order 2007

7. In Part 3 of the Schedule to the Legislative and Regulatory Reform (Regulatory Functions) Order 2007⁽⁷⁾, in the reference to the 1992 Regulations under the heading “Public health and safety”, “2008” shall be substituted for “1992” and the associated footnote.

⁽⁶⁾ S.I. 2006/2183.

⁽⁷⁾ S.I. 2007/3544, to which there are amendments not relevant to these Regulations.