

SCHEDULE 12

Amendment of the Supply of Machinery (Safety) Regulations 2008

Insertion of regulations 30 and 31

22. After regulation 29 insert—

“Transitional provisions in relation to EU Exit

30.—(1) In this regulation—

“pre-exit period” means the period beginning with 29 December 2009 and ending immediately before exit day;

“product” means machinery to which these Regulations apply.

(2) Where a product was made available on the market during the pre-exit period, despite the amendments made by Schedule 12 to the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019⁽¹⁾, any obligation to which a person was subject under these Regulations as they had effect immediately before exit day, continues to have effect as it did immediately before exit day, in relation to that product.

(3) Where during the pre-exit period—

(a) a product has not been placed on the market; and

(b) a manufacturer has taken any action to comply with regulations 10 to 12 as they had effect immediately before exit day in relation to that product

that action has effect as if it had been done under regulations 10 to 12 as they have effect on and after exit day.

31.—(1) In this regulation—

“information requirements” means the requirements set out in—

(a) section 1.7.3 of Schedule 2, Part 1 that all machinery must be marked visibly, legibly and indelibly with the business name and full address of the manufacturer and where applicable the manufacturer’s authorised representative; and

(b) section 4.3.1 of Schedule 2, Part 1 that each length of lifting chain, rope or webbing not forming part of an assembly must bear a mark or, where this is not possible, a plate or irremovable ring bearing the name and address of the responsible person and the identifying reference of the relevant certificate.

(2) The information requirements do not apply to a person who—

(a) falls within paragraph (b) of the definition of manufacturer in regulation 2(2);

(b) has imported machinery from an EEA state and places it on the market within a period of 18 months beginning with exit day; and

(c) before placing the machinery on the market, sets out the information referred to in sections 1.7.3 and 4.3.1 of Schedule 2, Part 1 in a document accompanying the machinery.”