

The Supply of Machinery (Safety) Regs 2008

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This Briefing is UK Legislation specific

Purpose

The purpose of The Supply of Machinery (Safety) Regulations 2008 is to implement the requirements of the European Machinery Directive. The Regulations place requirements on manufacturers, suppliers or their agents to ensure their products, when supplied, are safe, and to reduce barriers to trade within the Single Market by ensuring a common policy of safety and supply of machinery across the European Economic Area (EEA).

What is Machinery?

A machine is generally an assembly of parts or components which are either complete or partly complete and have at least one moving part. This includes interchangeable equipment that can modify the function of a machine and individual safety components.

Some products have a higher than normal safety risk to the operator. These require special assessment procedures to be carried out before placing on the market. Relevant products are identified in Annex IV of the Directive and Schedule 2, Part 4 of the Regulations.

CE marking

Affixing a “CE” mark to a machine is an indication by the manufacturer/supplier that the product complies with relevant legislation. For machinery subject to the Regulations this could include other legislation as well. For example, an electric machine in a building would need to comply with Electro Magnetic Compatibility Directive as well as other directives. The “CE” mark should be affixed in a distinct, visible, legible and indelible manner.

Conformity Assessment

Conformity assessment is the process a manufacturer/supplier should carry out prior to placing products on the market to ensure the essential health and safety requirements of the legislation have been met. The way the process is carried out depends largely on whether or not a product has been manufactured in accordance with a harmonised standard. The process requires a risk assessment, Technical File and Declaration of Conformity to be produced.

Essential Health & Safety Requirements

To comply with the Regulations, machinery must be assessed in accordance with specified health and safety requirements. This involves a risk assessment being carried out by the manufacturer/supplier to determine whether sufficient risk reduction has been achieved to ensure the machine is safe for use.

Technical File

Manufacturers or suppliers must compile a technical File that must demonstrate that the product complies with the requirements of the Regulations. It must cover the risk assessment, design, manufacture and operation of the machine. The technical file can be requested by enforcement authorities when investigations are being carried out.

Declaration of Conformity

The Regulations require that a Declaration of Conformity (DoC) is made by the manufacturer/supplier and a copy provided with each product placed on the market. A DoC should provide brief details that relate to the conformity assessment process such as, the name and address of the manufacturer, the legislation complied with, harmonised standard references, date of Declaration etc.

Declaration of Incorporation

A Declaration of Incorporation is required for machinery that is incomplete and is intended for incorporation or assembly into other machinery that will then constitute machinery covered by the Regulations. The incomplete machinery must not be “CE” marked when supplied. The person who incorporates the incomplete equipment into other machinery is responsible for “CE” marking the complete machine.

Safety Components

The Regulations provide a list of components that are considered to be ‘Safety Components’. These are likely to fulfil a safety function, endanger the safety of persons if they fail, be necessary for the machine to function, and be independently placed on the market. Safety components should be subject to individual “CE” marking requirements.

‘Annex IV’ Machinery

Annex IV of the Directive (Schedule 2 Part 4 of the Regulations) lists types of machines that have higher risks associated with their use. The Regulations require special assessment procedures for hazardous machinery particularly where a harmonized standard is not available.

Exempt Machinery

Some machinery, in particular equipment intended for domestic use, is not covered by the Regulations. However, other Directives will be applicable to this equipment and provide for the necessary assessments to ensure the equipment is safe for intended use.

Second Hand, Refurbished or Modified Machinery

This is a complicated area. Second hand “CE” marked machinery can be sold on provided that it is as safe as when the equipment was originally placed on the market or first put into use. This doesn’t mean ‘as new condition’ but does require the safety features to be present and functional.

Some second hand equipment may require “CE” marking if it is being supplied or brought into use in the EEA for the first time.

Where refurbished or modified machinery has been transformer or substantially rebuilt it may have to be considered as new machinery and be subject to full conformity assessment to the current Regulations.

Further Information

- There is a substantial amount of guidance information available to help those supplying or buying machinery understand their legal duties. A selection of some of the most helpful are provided below. Searching for ‘machinery safety’ on HSE’s website (www.hse.gov.uk) will provide links to the information below and more.
- A copy of The Supply of Machinery (Safety) Regulations 2008 can be obtained from http://www.legislation.gov.uk/ukxi/2008/1597/pdfs/ukxi_20081597_en.pdf
- Detailed advice for manufacturers and suppliers on achieving compliance with the Regulations can be found at <https://www.gov.uk/guidance/machinery-manufacturers-and-their-responsibilities>
- The Department for Business, Innovation & Skills (BIS) have produced a guide for suppliers of machinery and safety components to understand the effect of the Regulations, see <http://webarchive.nationalarchives.gov.uk/20090609003228/http://www.berr.gov.uk/files/file52968.pdf>
- The Health & Safety Executive (HSE) have a web page dedicated to managing the risks associated with work equipment and machinery, see <http://www.hse.gov.uk/work-equipment-machinery/index.htm>
- HSE has produced guidance for those who supply or are buying new machinery:
 - Supplying new machinery (reference INDG270) - <http://www.hse.gov.uk/pubns/indg270.pdf>
 - Buying new machinery (reference INDG271) - <http://www.hse.gov.uk/pubns/indg271.htm>
 - Advice on second hand, refurbished or modified machinery can be found at <http://www.hse.gov.uk/work-equipment-machinery/second-hand-products.htm>

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