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STATUTORY INSTRUMENTS

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**1994 No. 2063**

**HEALTH AND SAFETY**

**The Supply of Machinery (Safety)  
(Amendment) Regulations 1994**

*Made - - - - 26th July 1994*  
*Laid before Parliament 9th August 1994*  
*Coming into force in accordance with regulation 1(2)*

The Secretary of State, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972<sup>(1)</sup> in relation to measures relating to the design and construction of, and to the placing on the market and putting into service of, machinery<sup>(2)</sup> and safety components for machinery<sup>(3)</sup> in exercise of the powers conferred on him by that section and of all his other enabling powers, hereby makes the following Regulations:—

**Citation and commencement**

1.—(1) These Regulations may be cited as the Supply of Machinery (Safety) (Amendment) Regulations 1994.

(2) These Regulations shall come into force in accordance with the following provisions—

- (a) except for regulation 4 and Schedule 2, they shall come into force on 1st September 1994; and
- (b) regulation 4 and Schedule 2 shall come into force on 1st January 1995.

**Interpretation**

2. In these Regulations—

“the principal Regulations” means the Supply of Machinery (Safety) Regulations 1992<sup>(4)</sup>; and  
“EEA State” means a State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at

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(1) 1972 c. 68.

(2) S.I. 1992/707.

(3) S.I. 1993/2661.

(4) S.I. 1992/3073 as extended by section 2(1) of the European Economic Area Act 1993 (c. 51).

Brussels on 17th March 1993<sup>(5)</sup> but until the Agreement comes into force in relation to Liechtenstein does not include the State of Liechtenstein.

### **Amendments relating to machinery**

3. Schedule 1 to these Regulations, which—
- (a) in Part I amends the principal Regulations in accordance with the requirements of—
    - (i) Article 1(10) excluding (a), (b) and (q);
    - (ii) Article 1(11)(a) and (b); and
    - (iii) Article 1(12)(c), (d), (e) and (f),
 of Council Directive [93/44/EEC](#)<sup>(6)</sup>; and
  - (b) in Part II makes other minor amendments to the principal Regulations,
- shall have effect.

### **Amendments relating to safety components, machinery for lifting or moving persons and CE marking**

4. Schedule 2 to these Regulations, which further amends the principal Regulations in accordance with the requirements of—
- (a) the Articles of Council Directive [93/44/EEC](#) other than those specified in regulation 3(a) above; and
  - (b) Article 6 of Council Directive [93/68/EEC](#) relating to the CE marking of machinery<sup>(7)</sup>,
- shall have effect.

### **Consequential amendment of the Provision and Use of Work Equipment Regulations 1992**

5. In Schedule 1 to the Provision and Use of Work Equipment Regulations 1992<sup>(8)</sup>—
- (a) for paragraph 29 there shall be substituted—
    - “(29) Council Directive [89/392/EEC](#) on the approximation of the laws of the Member States relating to machinery (OJNo. L183, 29.6.1989, p.9) as amended by Council Directive [91/368/EEC](#) (OJ No. L198, 22.7.1991, p.16), Council Directive [93/44/EEC](#) (OJ No. L175, 19.7.1993, p.12) and Article 6 of Council Directive [93/68/EEC](#) (OJ No. L220, 30.8.1993, p.1).”;
  - (b) paragraph 34 shall be omitted.

*Ian Taylor*  
Parliamentary Under-Secretary of State for Trade  
and Technology,  
Department of Trade and Industry

26th July 1994

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(5) Council Directives [93/44/EEC](#) and [93/68/EEC](#) were added to Chapter XXIV of Annex II to the Agreement by item R in Annex 3 to Decision No. 7/94 of the EEA Joint Committee of 21st March 1994 (OJ No. L160,28.6.94, p.1). There are other amendments to the Agreement which are not relevant for the purposes of these Regulations.

(6) OJ No. L175, 19.7.93, p.12.

(7) OJ No. L220,30.8.93, p.1.

(8) S.I. [1992/2932](#).

## SCHEDULE 1

Regulation 3

(Amendment of the principal Regulations coming into force on 1st September 1994)

### PART I

1. In regulation 2(1), at the end of the definition of “Machinery Directive” there shall be added—  
“and as further amended by—
  - (a) Article 1(10) excluding (a), (b) and (q);
  - (b) Article 1(11)(a) and (b); and
  - (c) Article 1(12)(c), (d), (e) and (f),of Council Directive [93/44/EEC](#)(9)
2. In regulation 22(3)—
  - (a) at the end of sub-paragraph (a) “and” shall be omitted; and
  - (b) at the end of sub-paragraph (b) there shall be added—  
“; and
  - (c) accompanied by a translation thereof in one of the official languages of the country in which the machinery is to be used in accordance with the requirements for the translation of the instructions as specified in sub-paragraph (a) above”.
- 3.—(1) In Schedule 3—
  - (a) at the end of the PRELIMINARY OBSERVATIONS the following paragraphs shall be added—  
“The essential health and safety requirements have been grouped according to the hazards which they cover.  
Machinery presents a series of hazards which may be indicated under more than one heading in this Annex.  
The manufacturer is under an obligation to assess the hazards in order to identify all those which apply to his machinery; he must then design and construct it taking account of his assessment.”;
  - (b) for the penultimate paragraph in section 1.2.4 there shall be substituted—  
“Once active operation of the emergency stop control has ceased following a stop command, that command must be sustained by engagement of the emergency stop device until that engagement is specifically overridden; it must not be possible to engage the device without triggering a stop command; it must be possible to disengage the device only by an appropriate operation, and disengaging the device must not restart the machinery but only permit restarting.”;
  - (c) after section 1.5.13 there shall be inserted—  
“(1.5.14) *Risk of being trapped in a machine*  
Machinery must be designed, constructed or fitted with a means of preventing an exposed person from being enclosed within it or, if that is impossible, with a means of summoning help.  
  
(1.5.15) *Risk of slipping, tripping or falling*

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(9) OJ No. L175, 19.7.93, p.12.

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Parts of the machinery where persons are liable to move about or stand must be designed and constructed to prevent persons slipping, tripping or falling on or off these parts.”;

- (d) the second paragraph of section 1.6.2 shall be omitted;
- (e) for the first indent in section 1.7.4(a) there shall be substituted—
  - “a repeat of the information with which the machinery is marked, except the serial number (see 1.7.3) together with any appropriate additional information to facilitate maintenance (e.g. addresses of the importer, repairers etc.);”;
- (f) for section 1.7.4(b) there shall be substituted—

“The instructions must be drawn up in one of the Community languages by the manufacturer or his authorised representative established in the Community. On being put into service, all machinery must be accompanied by a translation of the instructions in the language or languages of the country in which the machinery is to be used and by the instructions in the original language. This translation must be done either by the manufacturer or his authorised representative established in the Community or by the person introducing the machinery into the language area in question. By way of derogation from this requirement, the maintenance instructions for use by specialised personnel employed by the manufacturer or his authorised representative established in the Community may be drawn up in only one of the Community languages understood by that personnel.”;
- (g) for section 1.7.4(d) there shall be substituted—

“Any literature describing the machinery must not contradict the instructions as regards safety aspects. The technical documentation describing the machinery must give information regarding the airborne noise emissions referred to in (f) and, in the case of hand-held and/or hand-guided machinery, information regarding vibration as referred to in 2.2.”;
- (h) in the title of section 2, the word “ADDITIONAL” shall be omitted;
- (i) in sections 2.1, 2.2 and 2.3, the words “In addition to the essential health and safety requirements set out in 1 above,” shall be omitted;
- (j) for the first paragraph in section 3 there shall be substituted—

“Machinery presenting hazards due to mobility must be designed and constructed to meet the requirements set out below.”;
- (k) for the first paragraph in section 4 there shall be substituted—

“Machinery presenting hazards due to lifting operations-mainly hazards of load falls and collisions or hazards of tipping caused by a lifting operation-must be designed and constructed to meet the requirements set out below.”;
- (l) at the end of section 4.2.3 the following paragraph shall be inserted—

“Machinery serving specific levels at which operators can gain access to the load platform in order to stack or secure the load must be designed and constructed to prevent uncontrolled movement of the load platform, in particular while being loaded or unloaded.”;
- (m) for the title to section 5 there shall be substituted—

“ESSENTIAL HEALTH AND SAFETY REQUIREMENTS FOR MACHINERY INTENDED FOR UNDERGROUND WORK”;

and
- (n) for the first paragraph of section 5 there shall be substituted—

“Machinery intended for underground work must be designed and constructed to meet the requirements set out below.”.

(2) Sub-paragraph (1)(f) above transposes Article 1(10)(h) of Council Directive 93/44/EEC and in that sub-paragraph references to the Community shall be read as references to the European Economic Area and references to the Community languages shall be read as including references to the official languages of the other EEA States<sup>(10)</sup>.

4. For Schedule 4 there shall be substituted—

“SCHEDULE 4

Regulation 2(2)

(Annex IV of the Machinery Directive)

1. Circular saws (single or multi-blade) for working with wood and analogous materials or for working with meat and analogous materials.

1.1 Sawing machines with fixed tool during operation, having a fixed bed with manual feed of the workpiece or with a demountable power feed.

1.2 Sawing machines with fixed tool during operation, having a manually operated reciprocating saw-bench or carriage.

1.3 Sawing machines with fixed tool during operation, having a built-in mechanical feed device for the workpieces, with manual loading and/or unloading.

1.4 Sawing machines with movable tool during operation, with a mechanical feed device and manual loading and/or unloading.

2. Hand-fed surface planing machines for woodworking.

3. Thicknessers for one-side dressing with manual loading and/or unloading for woodworking.

4. Band-saws with a fixed or mobile bed and band-saws with a mobile carriage, with manual loading and/or unloading, for working with wood and analogous materials or for working with meat and analogous materials.

5. Combined machines of the types referred to in 1 to 4 and 7 for working with wood and analogous materials.

6. Hand-fed tenoning machines with several tool holders for woodworking.

7. Hand-fed vertical spindle moulding machines for working with wood and analogous materials.

8. Portable chain saws for woodworking.

9. Presses, including press-brakes, for the cold working of metals, with manual loading and/or unloading, whose movable working parts may have a travel exceeding 6mm and a speed exceeding 30 mm/s.

10. Injection or compression plastics-moulding machines with manual loading or unloading.

11. Injection or compression rubber-moulding machines with manual loading or unloading.

12. Machinery for underground working of the following types:

- machinery on rails: locomotives and brake-vans.
- hydraulic-powered roof supports.
- internal combustion engines to be fitted to machinery for underground working.

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<sup>(10)</sup> Paragraphs 8 and 10 of Protocol 1 annexed to the Agreement on the European Economic Area.

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13. Manually-loaded trucks for the collection of household refuse incorporating a compression mechanism.
14. Guards and detachable transmission shafts with universal joints as described in paragraph 3.4.7(11).
15. Vehicles servicing lifts.”.

## PART II

1. In regulation 2(2) for the definition of “transposed harmonised standard” there shall be substituted—

““transposed harmonised standard” means a national standard of an EEA State which transposes a harmonised standard.”.
2. For regulation 6(1) there shall be substituted—

“(1) These Regulations do not apply to machinery which the supplier believes (with reasonable cause) will be put into service in a country outside the European Economic Area.”.
3. For regulation 17 there shall be substituted—

“17. For the purposes of these Regulations, an approved body is a body responsible for carrying out functions relating to the conformity assessment procedures set out in Article 8 of the Machinery Directive and described in regulations 14 and 15 above which has been—

  - (a) appointed as a United Kingdom approved body pursuant to regulation 18 below;  
or
  - (b) appointed by an EEA State other than the United Kingdom.”.
4. In regulation 22(3) for “An EEC declaration” there shall be substituted “An EC declaration”.

## SCHEDULE 2

Regulation 4

(Amendment of the principal Regulations coming into force on 1st January 1995)

### General provisions

1. For regulation 2(1) there shall be substituted—

“(1) In these Regulations, the “Machinery Directive” means Council Directive [89/392/EEC](#) on the approximation of the laws of the Member States relating to machinery(12) as amended by Council Directive [91/368/EEC](#)(13), Council Directive [93/44/EEC](#)(14) and Article 6 of Council Directive [93/68/EEC](#)(15).”.
- 2.—(1) Except in respect of references to “Schedule 4 machinery”, the words “or a relevant safety component”, “or relevant safety component”, “or a safety component” or “or safety component” shall be inserted, as the context may require, after the words “relevant machinery” or “machinery”

(11) This is a reference to section 3.4.7 of the essential health and safety requirements set out in Schedule 3 to these Regulations.

(12) OJ No. L183, 29.6.89, p.9; the second sub-paragraph of Article 8.4 was corrected in the Corrigendum to the Council Directive OJ No. L296, 14.10.89, p.40.

(13) OJ No. L198, 22.7.91, p.16.

(14) OJ No. L175, 19.7.93, p.12.

(15) OJ No. L220, 30.8.93, p.1.

wherever they occur in the definitions specified in sub-paragraph (2) below, the regulations specified in sub-paragraph (3) below and, except for paragraph 6 thereof, in Schedule 6 (including the definition of “machinery for use at work” in paragraph 9 thereof).

(2) The definitions referred to in sub-paragraph (1) above are the definitions in regulation 2(2) of “EC type-examination certificate”, “relevant essential health and safety requirements”, “responsible person”, “series manufacture”, “supply”, “technical file” and “technical specification”.

(3) The regulations referred to in sub-paragraph (1) above are regulations 6(1), 10(1)(a), 12 (except in paragraphs (1)(c)(ii) and (1)(d)), 13, 14, 15, 16, 18(4)(a), 20(1) and (4), and 24(1).

3. Except in the case of regulations 4, 5, 7, 8, 9 and 34, and references to Schedule 4 machinery, in the headings after any reference to “machinery” or “relevant machinery” there shall be added “or safety components” or “or relevant safety components”, as the context may require.

4. Subject to paragraph 5(b) below, for “EC mark” wherever it occurs there shall be substituted “CE marking”.

### Specific amendments

5. In regulation 2(2)—

(a) after the definition of “business” there shall be inserted the definition—

““CE marking” means a mark consisting of the symbol “CE” set out in the form shown in Schedule 2A hereto:

Provided that in respect of an item of machinery first supplied in the European Economic Area before 1st January 1997, a responsible person may, for the purposes of regulation 12(1)(d) below but without prejudice to the requirements as to proper affixation in regulation 25(1) below, elect to affix a mark in the form shown in Schedule 2 hereto, followed by the last two figures of the year in which it is affixed;”;

(b) the definition of “EC mark” shall be omitted;

(c) after the definition of “relevant machinery” there shall be inserted the definition—

“;“relevant safety component” shall be construed in accordance with regulation 3(3) below;”;

(d) in the definition of the word “safe”—

(i) after the words “relevant machinery” in the first place where they occur there shall be inserted the words “or a relevant safety component” and in the second place where they occur there shall be inserted the words “or the relevant safety component”;

(ii) after the words “the machinery” there shall be inserted the words “or the safety component”; and

(iii) after the words “no risk (apart from one reduced to a minimum)” there shall be inserted the words “of its endangering the health of or”;

(e) after the definition of “safe” there shall be inserted the definition—

““safety component” means a component, provided that it is not interchangeable equipment, which is supplied separately to fulfil a safety function when in use and the failure or malfunctioning of which endangers the safety or health of exposed persons;”;

and

(f) for the definition of “Schedule 4 machinery” there shall be substituted—

““Schedule 4 machinery” means—

(a) machinery which is specified in Annex IV of the Machinery Directive and listed under the heading of “A. Machinery” in Schedule 4 hereto; or

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- (b) safety components which are specified in Annex IV of the Machinery Directive and listed under the heading of “B. Safety Components” in Schedule 4 hereto;”.
- 6. In regulation 3—
  - (a) at the end of paragraph (1), there shall be added “and relevant safety components”; and
  - (b) at the end of the regulation there shall be added:
    - “(3) A relevant safety component is a safety component for machinery other than machinery to which regulation 5 or 10 below applies, unless that safety component is excluded from the scope of these Regulations pursuant to regulation 6, 7, 8 or 10(1)(a) below.”.
- 7. At the beginning of regulation 7 there shall be inserted “Subject to regulation 7A below;”.
- 8. After regulation 7, there shall be inserted the following regulation—

**“Specific machinery or safety components first supplied or put into service before 1st January 1995**

- 7A.—(1) These Regulations do not apply to any specific machinery or a safety component first supplied or put into service in the European Economic Area before 1st January 1995.
- (2) For the purposes of this regulation, “specific machinery” means lifting equipment designed and constructed for raising and/or moving persons with or without loads, except for industrial trucks with elevating operation position.”.
- 9. In regulation 8(1) after “Subject to paragraph (2)” there shall be inserted “and regulation 8A below”.
- 10. After regulation 8, there shall be inserted the following regulation—

**“Application of regulation 8 to safety components or machinery for the lifting or moving of persons**

- 8A.—(1) The provisions of regulation 8 shall apply to a safety component.
- (2) For the purposes of the application of regulation 8 to a safety component or machinery for lifting or moving persons, for the first date specified in paragraph (1) of that regulation there shall be substituted “31st December 1996” and for the date specified in paragraph 1(a) and (b) of that regulation there shall be substituted “14th June 1993”.
- 11. In regulation 9(1)(a) and (b) after the footnote reference in both places where it occurs there shall be added “and supplied with such plant”.
- 12. For regulation 11 there shall be substituted—

“11.—(1) Subject to paragraph (4) below, no person who is a responsible person for the purposes of these Regulations shall supply relevant machinery or a relevant safety component unless the requirements of regulation 12 below are complied with in relation thereto.

(2) Subject to paragraph (4) below, it shall be the duty of any person who supplies relevant machinery or a relevant safety component, but who is not a person to whom paragraph (1) above applies, to ensure that that relevant machinery or relevant safety component is safe.

(3) Where a person—



- (a) being the manufacturer of relevant machinery or a relevant safety component, himself puts that relevant machinery or relevant safety component into service in the course of a business; or
- (b) having imported relevant machinery or a relevant safety component from a country or territory outside the European Economic Area, himself puts that relevant machinery or relevant safety component into service in the course of a business,

for the purposes of these Regulations that person shall be deemed to have supplied that relevant machinery or relevant safety component to himself.

(4) The requirements of this regulation do not apply in relation to supply of relevant machinery or a relevant safety component which has previously been put into service in the Community or, on or after 1st January 1994, the European Economic Area.”.

**13.** In regulation 21—

- (a) in paragraphs (1), (2) and (7), after “relevant machinery” in each place where it occurs there shall be inserted “or the relevant safety component” and after “machinery” in each place where it occurs there shall be inserted “or the safety component”; and
- (b) in paragraph (4)—
  - (i) at the end of sub-paragraph (b)(ii) “and” shall be omitted; and
  - (ii) at the end of sub-paragraph (b)(iii) there shall be added—

“; and

- (iv) in the case of a safety component, that it is suitable for fulfilling the safety functions declared by the manufacturer”.

**14.** In regulation 22—

- (a) except in paragraph (2)(c), after “relevant machinery” in each place where it occurs there shall be inserted “or a relevant safety component” or “or the relevant safety component”, as the context may require, and after “machinery” in each place it occurs there shall be inserted “or a safety component” or “or the safety component”, as the context may require; and
- (b) in paragraph (2)(c), after “machinery complies” there shall be added “or, in the case of a safety component, the safety function fulfilled by that safety component unless that safety function is obvious from the description of the safety component referred to in sub-paragraph (b) above”.

**15.** In regulation 25—

- (a) for paragraph (1) there shall be substituted—
  - “(1) For the purposes of these Regulations, the CE marking shall not be regarded as properly affixed to relevant machinery unless—
    - (a) that machinery—
      - (i) satisfies the relevant health and safety requirements; and
      - (ii) is safe; and
    - (b) the responsible person who affixes the CE marking to the relevant machinery—
      - (i) has carried out the appropriate conformity assessment procedure and issued an EC declaration of conformity in respect thereof;
      - (ii) affixes the said marking in a distinct, visible, legible and indelible manner;

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- (iii) in the case of relevant machinery which is the subject of Community Directives other than the Machinery Directive, which also provide for the affixing of the CE marking, has complied with the requirements of those other Directives in respect of that machinery:

Provided that—

- (aa) where one or more of those other Community Directives permit the responsible person during a transitional period to apply the requirements of that Directive or its transitional arrangements, the CE marking on the relevant machinery shall only indicate conformity with those Directives which have been applied; and
  - (bb) in that event, the particulars (as published in the Official Journal of the European Communities) of the Directives which have been applied shall be given in the documents, notices or instructions required by those Directives and which must accompany that relevant machinery.”;
- (b) paragraph (2) shall be omitted; and
  - (c) for paragraph (3) there shall be substituted—
    - “(3) No markings which—
      - (a) are likely to deceive any person as regards the meaning and form of the CE marking; or
      - (b) reduce the visibility or legibility of the CE marking, shall be affixed to relevant machinery.”.

**16.** In regulation 26(1)—

- (a) after “is affixed” there shall be inserted “or a relevant safety component which is accompanied by an EC declaration of conformity”; and
- (b) for “the relevant essential health and safety requirements” there shall be substituted “all the provisions of the Machinery Directive”.

**17.** For regulation 28 there shall be substituted—

“**28.**—(1) Subject to paragraph (2) below, Schedule 6 shall have effect for the purposes of providing for the enforcement of these Regulations and for matters incidental thereto.

(2) Except in the case of relevant machinery which, in the opinion of an enforcement authority, is not safe, where an enforcement authority has reasonable grounds for suspecting that the CE marking has not been properly affixed to relevant machinery by the responsible person in accordance with regulation 25(1) above, it may give notice in writing to that person and, subject to paragraph (3) below, no action may be taken pursuant to Schedule 6 and no proceedings may be brought pursuant to regulation 29(a) below in respect of that machinery until such notice has been given and the responsible person to whom it has been given has failed to comply with its requirements.

(3) Notwithstanding paragraph (2) above, for the purpose of ascertaining whether or not the CE marking has been affixed in accordance with regulation 25(1) above, action may be taken pursuant to the following provisions as they are applied by Schedule 6—

- (a) in Great Britain in relation to relevant machinery for use at work, section 20 of the Health and Safety at Work etc. Act 1974(16);

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(16) 1974 c. 37.

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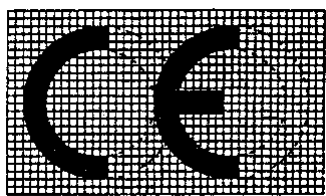
- (b) in Northern Ireland in relation to relevant machinery for use at work, Article 22 of the Health and Safety at Work (Northern Ireland) Order 1978(17); and
  - (c) in relation to relevant machinery as goods for private use and consumption, section 29 of the Consumer Protection Act 1987(18).
- (4) Notice which is given under paragraph (2) above shall—
- (a) state that the enforcement authority suspects that the CE marking has not been properly affixed to relevant machinery in accordance with regulation 25(1) above;
  - (b) specify the respect in which it is so suspected and give particulars thereof;
  - (c) require the responsible person—
    - (i) to secure that any relevant machinery to which the notice relates conforms as regards the provisions concerning the proper affixation of the CE marking within such period as may be specified in the notice; or
    - (ii) to provide evidence within that period, to the satisfaction of that enforcement authority, that the CE marking has been properly affixed; and
  - (d) warn the responsible person that if the non-conformity continues (or if satisfactory evidence has not been provided) within the period specified in the notice, further action may be taken under the Regulations.”.
18. Regulation 29(b) shall be omitted.
19. In regulation 30(1) the words “or (b)” shall be omitted.
20. After Schedule 2, the following Schedule shall be inserted—

“SCHEDULE 2A

Regulation 2(2)

CE CONFORMITY MARKING

The CE conformity marking shall consist of the initials “CE” taking the following form:



If the CE marking is reduced or enlarged the proportions given in the above drawing must be respected.

The various components of the CE marking must have substantially the same vertical dimension, which may not be less than 5 mm. This minimum dimension may be waived for small-scale machinery.”.

21. In Schedule 3—
- (a) for the title there shall be substituted—

“ESSENTIAL HEALTH AND SAFETY REQUIREMENTS RELATING TO THE DESIGN AND CONSTRUCTION OF MACHINERY AND SAFETY COMPONENTS”;
  - (b) after “(Annex I of the Machinery Directive)” there shall be inserted—

(17) S.I. 1978/1039 (N.I. 9).

(18) 1987 c. 43.

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“For the purposes of this Annex, “machinery” means either “machinery” or “safety component” as defined in Article 1(2).”;

- (c) in section 1.7.3, for the second indent there shall be substituted “— the CE marking (see Annex III);” and after the final indent there shall be added—

“;

— the year of construction”; and

- (d) after section 5 there shall be inserted—

**“6. ESSENTIAL HEALTH AND SAFETY REQUIREMENTS TO OFFSET THE PARTICULAR HAZARDS DUE TO THE LIFTING OR MOVING OF PERSONS.**

Machinery presenting hazards due to the lifting or moving of persons must be designed and constructed to meet the requirements set out below.

### *General*

#### *Definition*

- (6.1.1) For the purposes of this Chapter, “carrier” means the device by which persons are supported in order to be lifted, lowered or moved.

#### *Mechanical strength*

- (6.1.2) The working coefficients defined in heading 4 are inadequate for machinery intended for the lifting or moving of persons and must, as a general rule, be doubled. The floor of the carrier must be designed and constructed to offer the space and strength corresponding to the maximum number of persons and the maximum working load set by the manufacturer.

#### *Loading control for types of device moved by power other than human strength*

- (6.1.3) The requirements of 4.2.1.4 apply regardless of the maximum working load figure. This requirement does not apply to machinery in respect of which the manufacturer can demonstrate that there is no risk of overloading and/or overturning.

#### *Controls*

- (6.2.1) (6.2) Where safety requirements do not impose other solutions:

The carrier must, as a general rule, be designed and constructed so that persons inside have means of controlling movements upwards and downwards and, if appropriate, of moving the carrier horizontally in relation to the machinery.

In operation, those controls must override the other devices controlling the same movement, with the exception of the emergency stop devices.

The controls for these movements must be of the maintained command type, except in the case of machinery serving specific levels.

- (6.2.2) If machinery for the lifting or moving of persons can be moved with the carrier in a position other than the rest position, it must be designed and constructed so that the person or persons in the carrier have the means of preventing hazards produced by the movement of the machinery.

- (6.2.3) Machinery for the lifting or moving of persons must be designed, constructed or equipped so that excess speeds of the carrier do not cause hazards.

*Risks of persons falling from the carrier*

- (6.3.1) (6.3) If the measures referred to in 1.5.15 are not adequate, carriers must be fitted with a sufficient number of anchorage points for the number of persons possibly using the carrier, strong enough for the attachment of personal protective equipment against the danger of falling.
- (6.3.2) Any trapdoors in floors or ceilings or side doors must open in a direction which obviates any risk of falling should they open unexpectedly.
- (6.3.3) Machinery for lifting or moving must be designed and constructed to ensure that the floor of the carrier does not tilt to an extent which creates a risk of the occupants falling, including when moving.

The floor of the carrier must be slip-resistant.

*Risks of the carrier falling or overturning*

- (6.4.1) (6.4) Machinery for the lifting or moving of persons must be designed and constructed to prevent the carrier falling or overturning.
- (6.4.2) Acceleration and braking of the carrier or carrying vehicle, under the control of the operator or triggered by a safety device and under the maximum load and speed conditions laid down by the manufacturer, must not cause any danger to exposed persons.

*Markings*

(6.5) Where necessary to ensure safety, the carrier must bear the relevant essential information.”.

**22.** In Schedule 4, before section 1 there shall be inserted “**A. Machinery**” and at the end of the Schedule there shall be added—

“**16.** Devices for the lifting of persons involving a risk of falling from a vertical height of more than three metres.

**17.** Machines for the manufacture of pyrotechnics.

*B. Safety components*

1. Electro-sensitive devices designed specifically to detect persons in order to ensure their safety (non-material barriers, sensor mats, electromagnetic detectors, etc.).
2. Logic units which ensure the safety functions of bi-manual controls.
3. Automatic movable screens to protect the presses referred to in 9, 10 and 11.
4. Roll-over protection structures (ROPS).
5. Falling-object protective structures (FOPS).”.

**23.** For Schedule 5 there shall be substituted—

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“SCHEDULE 5

Regulation 5

EXCLUDED MACHINERY

Machinery whose only power source is directly applied manual effort unless it is a machine used for lifting or lowering loads.

Machinery for medical use used in direct contact with patients.

Special equipment for use in fairgrounds and/or amusement parks.

Steam boilers, tanks and pressure vessels.

Machinery specially designed or put into service for nuclear purposes which, in the event of failure, may result in an emission of radioactivity.

Radioactive sources forming part of a machine.

Firearms.

Storage tanks and pipelines for petrol, diesel fuel, inflammable liquids and dangerous substances.

Means of transport, that is vehicles and their trailers intended solely for transporting passengers by air or on road, rail or water networks, as well as means of transport in so far as such means are designed for transporting goods by air, on public road or rail networks or on water. Vehicles used in the mineral extraction industry shall not be excluded.

Seagoing vessels and mobile offshore units together with equipment on board such vessels or units.

Cableways, including funicular railways, for the public or private transportation of persons.

Agricultural and forestry tractors, as defined in Article 1(1) of Council Directive [74/150/EEC](#) of 4th March 1974 on the approximation of the laws of member States relating to the type-approval of wheeled agricultural or forestry tractors<sup>(19)</sup>, as last amended by Directive [88/297/EEC](#)<sup>(20)</sup>.

Machines specially designed and constructed for military or police purposes.

Lifts which permanently serve specific levels of buildings and constructions, having a car moving between guides which are rigid and inclined at an angle of more than 15 degrees to the horizontal and designed for the transport of:

- persons,
- persons and goods,
- goods alone if the car is accessible, that is to say, a person may enter it without difficulty, and fitted with controls situated inside the car or within reach of a person inside.

Means of transport of persons using rack and pinion rail mounted vehicles.

Mine winding gear.

Theatre elevators.

Construction site hoists intended for lifting persons or persons and goods.”.

<sup>(19)</sup> OJ No. L84, 28.3.74, p.10.

<sup>(20)</sup> OJ No. L126, 20.5.88, p.52.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Supply of Machinery (Safety) Regulations 1992 (S.I.1992/3073) (“the principal Regulations”). They implement Council Directive [93/44/EEC](#) and Article 6 of Council Directive [93/68/EEC](#), which amend Council Directive [89/392/EEC](#) on the approximation of the laws of the member States relating to machinery, as amended by Council Directive [91/368/EEC](#).

The amendments made by regulation 3 and Schedule 1 come into force immediately, although the transitional provisions in regulation 8 of the principal Regulations continue to operate until 31st December 1994. Paragraph 3 of Schedule 1 amends the essential health and safety requirements in Schedule 3 to the principal Regulations and paragraph 4 substitutes a revised list of machinery posing special hazards in Schedule 4 to those Regulations.

Certain minor amendments are made to the principal Regulations by Part II of Schedule 1.

Regulation 4 and Schedule 2 further amend the principal Regulations as from 1st January 1995 in four main respects.

The principal Regulations are amended to apply to safety components for machinery which are supplied separately. Paragraph 2 of Schedule 2 provides that the definitions and regulations specified in it apply in respect of safety components. Paragraph 5(e) inserts a definition of “safety component” in regulation 2(2) of the principal Regulations and paragraph 6(b) adds a definition of “a relevant safety component” to regulation 3. Paragraph 12 includes provisions in substituted regulation 11 of the principal Regulations to apply its provisions to safety components. Paragraph 10 adds a new regulation 8A which applies the transitional provisions of regulation 8 of the principal Regulations to safety components which comply with the national law in force on 14th June 1993 until 31st December 1996. Paragraph 16 amends regulation 26 to provide that a safety component which is accompanied by an EC declaration of conformity shall be taken to comply with all the provisions of the Machinery Directive. Paragraph 22 adds some safety components to Schedule 4 of the principal Regulations (also some items of machinery).

The principal Regulations are further amended to implement Article 6 of Council Directive [93/68/EEC](#) (the CE Marking Directive). Paragraph 4 provides that the term “CE Marking” replaces “EC Mark” and a revised symbol is shown in a new Schedule 2A which is added to the principal Regulations by paragraph 20 with transitional arrangements for the use of the mark in Schedule 2 until 1st January 1997 (paragraph 5(a)). Paragraph 15 substitutes amended provisions in respect of proper affixation of the CE marking to machinery in regulation 25(1) and paragraph 17 amends regulation 28 to provide for a notice to be given to a responsible person (as defined in the principal Regulations) who has not properly affixed the CE marking unless the machinery in question is not safe. Amended regulation 28 further provides that enforcement action can only be taken in respect of that machinery if the period given in the notice has expired without the machinery being brought into conformity. Paragraph 5(d) amends the definition of safe in regulation 2(2) of the principal Regulations to include risks to health.

Thirdly, paragraph 23 substitutes a new Schedule 5 (excluded machinery) in the principal Regulations. It removes lifting equipment designed for raising and/or moving persons which becomes subject to the principal Regulations but with extended transitional arrangements (see paragraph 10 inserting new Regulation 8A) and additional essential health and safety requirements (see paragraph 21 adding section 6 to Schedule 3 to the principal Regulations). Other lifting equipment is added to Schedule 5 which is set out in full in paragraph 23.

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Fourthly, paragraph 12 substitutes a new regulation 11 which limits the application of regulation 12 to the supply of relevant machinery or a relevant safety component by a responsible person, in effect the person who first places the equipment on the Community market. A general duty is imposed on any person supplying relevant machinery or a relevant safety component to ensure that it is safe.

The principal Regulations were extended by the European Economic Area Act 1993 (1993 c. 51) so that, unless the context otherwise requires, a reference to the Community in those Regulations is to be read as a reference to the European Economic Area and a reference to a member State as a reference to an EEA State. These Regulations adopt the extended wording.

Regulation 5 makes consequential amendments to Schedule 1 to the Provision and Use of Work Equipment Regulations 1992.

A Compliance Cost Assessment in respect of these Regulations is available and a copy can be obtained from the Department of Trade and Industry, Standards Policy Unit, 3rd Floor, 151 Buckingham Palace Road, London SW1W 9SS.