
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Supply of Machinery (Safety) Regulations 2008 (S.I. 2008/1597) (the “Principal Regulations”) and make consequential amendments to some Northern Ireland Statutory Rules.

Regulations 3 and 8 amend the Principal Regulations to implement Directive 2009/127/EC of the European Parliament and of the Council of 21st October 2009 (O.J. No. L 310, 25.11.2009, p.29) amending Directive 2006/42/EC with regard to machinery for pesticide application (“the 2009 Directive”). The 2009 Directive amends Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery (O.J. L 157, 9.6.2006, p. 24) (“the Machinery Directive”) to ensure that in the case of machinery for the application of pesticides the essential health and safety requirements under the Machinery Directive include requirements relating to the protection of the environment.

Regulation 3 amends the definitions of “essential health and safety requirements” and “safe” in regulation 2 of the Principal Regulations to extend their scope to include protection of the environment in the case of machinery for the application of pesticides.

Regulation 8 introduces the Schedule to these Regulations which amends Part 1 of Schedule 2 to the Principal Regulations (Annex I: Essential health and safety requirements relating to the design and construction of machinery) to reflect the amendments made by the 2009 Directive to Annex I of the Machinery Directive. The Schedule inserts into Annex I as set out in Part 1 of Schedule 2 to the Principal Regulations a definition of machinery for pesticide application as well as essential health and safety requirements which must be complied with in relation to such machinery in order to protect the environment.

Regulation 4 revokes regulation 9 of the Principal Regulations which prohibits the putting into service of machinery by persons other than the “responsible person” unless it is safe and regulation 6 makes an amendment consequential on that revocation.

Regulation 5 revokes a provision of the Principal Regulations which requires the Secretary of State to publish a list of UK notified bodies. A list of all relevant notified bodies is available on the European Commission’s NANDO (New Approach Notified and Designated Organisations) website.

Regulation 7 inserts a provision into the Principal Regulations requiring the Secretary of State to review the operation and effect of the Principal Regulations and publish a report within five years of 1st December 2009 and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Principal Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Principal Regulations or to amend them.

Regulation 9 makes amendments to the Lifting Operations and Lifting Equipment Regulations (Northern Ireland) 1999 (S.R. 1999 No. 304) and the Provision and Use of Work Equipment Regulations (Northern Ireland) 1999 (S.R. 1999 No. 305). These amendments are consequential on the making of the Principal Regulations and the revocation of the Supply of Machinery (Safety) Regulations 1992 (S.I. 1992/3063).

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Advanced Manufacturing and Services Group, Department for Business, Innovation and Skills (BIS), 1 Victoria Street, London SW1H 0ET. As these Regulations transpose a Directive, a transposition note setting out how the Government has transposed the

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Directive in the United Kingdom has also been prepared. These documents are published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.