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STATUTORY INSTRUMENTS

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**1992 No. 3073**

**The Supply of Machinery (Safety) Regulations 1992**

PART III

GENERAL REQUIREMENTS

*Conformity assessment procedures*

**Certificate of adequacy**

**20.**—(1) A certificate of adequacy is a document drawn up by an approved body to which a technical file as described in regulation 14(2) above has been submitted in which that body certifies that—

- (a) the transposed harmonised standards have been correctly applied in respect of the design and construction of the relevant machinery to which the file relates; and
- (b) the file contains all the necessary information.

(2) A United Kingdom approved body to which such a file has been submitted by a responsible person as described in regulation 14(1)(b) above shall, if satisfied in respect of the matters referred to in paragraph (1)(a) and (b) above, draw up a certificate of adequacy in respect of the file, and send a copy thereof to the responsible person.

(3) If the United Kingdom approved body is not so satisfied, it shall—

- (a) give the responsible person the opportunity, within a reasonable period, of making representations as to why it should not refuse to draw up a certificate of adequacy for the file; and
- (b) if, after considering any representations made pursuant to sub-paragraph (a) above, it remains unsatisfied in respect of the matters referred to in paragraph (1)(a) and (b) above, it shall—
  - (i) refuse to draw up a certificate of adequacy for the file;
  - (ii) notify its decision in writing to the responsible person who submitted the file stating the grounds on which such refusal is based; and
  - (iii) at the same time inform all other approved bodies of such decision.

(4) Where the United Kingdom approved body which has drawn up a certificate of adequacy for a technical file is notified, pursuant to regulation 16 above, by the responsible person who submitted the file of a modification which he or, where the responsible person is not the manufacturer, the manufacturer has made, or plans to make, to the relevant machinery to which the file relates, the United Kingdom approved body shall examine such modification and—

- (a) if it is satisfied that the requirements of paragraph (1)(a) and (b) above are or, as the case may be, would be met in respect of the relevant machinery so modified, it shall notify the responsible person in writing that the certificate of adequacy remains valid; or

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- (b) if it is not so satisfied it shall notify the responsible person in writing that the certificate of adequacy for the file does not or would not, as the case may be, remain valid in respect of the relevant machinery as modified stating the grounds on which such decision was based.