
STATUTORY INSTRUMENTS

2008 No. 1597

The Supply of Machinery (Safety) Regulations 2008

PART 7

Miscellaneous

Amendment of the Lifts Regulations 1997

25. The amendments to the Lifts Regulations 1997 ^{M1} specified in Schedule 6 shall have effect.

Marginal Citations

M1 S.I. 1997/831, amended by S.I. 2004/693 and S.I. 2005/831.

Other amendments

26. The amendments specified in Schedule 7 shall have effect.

Consequential disapplication of domestic health and safety law

27.—(1) Subject to paragraph (3), any requirement which—

- (a) is imposed by or under any of the enactments (relating to various aspects of the safety of machinery) specified in paragraph (2); and
- (b) but for this paragraph, would have to be satisfied by or in respect of machinery if it is to be lawfully placed on the market or put into service,

is disapplied.

(2) The enactments specified in this paragraph are—

- ^{F1}(a)
- (b) section 85(1) of the Mines Act (Northern Ireland) 1969 ^{M2};
- ^{F1}(c)
- ^{F1}(d)
- ^{F1}(e)
- (f) in the Docks Regulations 1988 ^{M3}—
 - (i) regulation 13(1)(a), (b), and (c);
 - (ii) the words “or assembled” in regulation 13(1)(d); and
 - (iii) regulations 13(2)(b), (c) and (d);
- (g) in the Docks Regulations (Northern Ireland) 1989 ^{M4}—
 - (i) regulation 13(1)(a), (b), and (c);

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Changes to legislation: There are currently no known outstanding effects for the The Supply of Machinery (Safety) Regulations 2008, PART 7. (See end of Document for details)

- (ii) the words “or assembled” in regulation 13(1)(d); and
- (iii) regulations 13(2)(b), (c) and (d);

- ^{F1}(h)
- ^{F2}(i)
- ^{F1}(j)

(3) This regulation does not affect the application of the enactments listed in paragraph (2) to machinery after it has been placed on the market or put into service.

Textual Amendments

F1 Reg. 27(2)(a)(c)(d)(e)(h)(j) revoked (6.4.2015) by [The Mines Regulations 2014 \(S.I. 2014/3248\)](#), reg. 1(2), **Sch. 4 Pt. 2** (with reg. 1(3))

F2 Reg. 27(2)(i) revoked (N.I.) (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), **Sch. 4 Pt. 2**

Marginal Citations

M2 1969 c.6.

M3 S.I. 1988/1655.

M4 S.R. 1989 No. 320.

Time-limited derogation for impact machinery

- 28.** These Regulations shall not have effect in relation to—
- (a) portable cartridge-operated fixing machinery; or
 - (b) other impact machinery,

before 29 June 2011, but shall have effect in relation to such machinery from that date.

[^{F3}Review E+W+S

- 29.**—(1) Before the end of each review period, the Secretary of State must—
- (a) carry out a review of these Regulations,
 - (b) set out the conclusions of the review in a report, and
 - (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directive is implemented in other member States.

- (3) The report must in particular—
- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
 - (b) assess the extent to which those objectives are achieved, and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

- (4) “Review period” means—
- (a) the period of five years beginning with 1st December 2009, and
 - (b) subject to paragraph (5), each successive period of five years.

(5) If a report under this regulation is published before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is published.]

Extent Information

E1 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F3 Reg. 29 inserted (15.12.2011) by [The Supply of Machinery \(Safety\) \(Amendment\) Regulations 2011 \(S.I. 2011/2157\)](#), [regs. 1, 7](#)

[^{F7}Review **N.I.**

29.—(1) Before the end of each review period, the Secretary of State must—

- (a) carry out a review of these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directive is implemented in other [^{F8}relevant] States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) “Review period” means—

- (a) the period of five years beginning with 1st December 2009, and
- (b) subject to paragraph (5), each successive period of five years.

(5) If a report under this regulation is published before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is published.]

Extent Information

E2 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F7 Reg. 29 inserted (15.12.2011) by [The Supply of Machinery \(Safety\) \(Amendment\) Regulations 2011 \(S.I. 2011/2157\)](#), [regs. 1, 7](#)

F8 Word in [reg. 29\(2\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 4 para. 6](#)

[^{F4}Transitional provisions in relation to EU Exit

30.—(1) In this regulation—

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“pre-exit period” means the period beginning with 29 December 2009 and ending immediately before IP completion 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, any obligation to which a person was subject under these Regulations as they had effect immediately before IP completion day, continues to have effect as it did immediately before IP completion 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 IP completion 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 IP completion day.

[^{F5}(4) Subject to paragraph (5), where before 11pm on 31st December 2024—

- (a) the product has not been placed on the market or put into service; and
- (b) a responsible person has taken any action under the conformity assessment procedure that applies to that product in accordance with Article 12 of the Directive

that action has effect as if it had been done under the applicable conformity assessment procedure referred to in regulation 10, 11 or 12.

(5) Paragraph (4) does not apply—

- (a) after the expiry of the validity of any certificate issued pursuant to the applicable conformity assessment procedure; and
- (b) in any event, after 31st December 2027.]

Textual Amendments

F4 Regs. 30, 31 inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 12 para. 22](#) (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/852, regs. 2(2), 4(2), [Sch. 1 para. 1\(d\)\(viii\)](#) and S.I. 2020/1460, [Sch. 3 para. 2\(1\)\(b\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

F5 Reg. 30(4)(5) inserted (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1393\)](#), regs. 1(1), [6\(2\)](#))

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 [^{F6}seven years] beginning with IP completion 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.]

Textual Amendments

- F4** Regs. 30, 31 inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 12 para. 22** (as amended by S.I. 2020/676, regs. 1(1), **2** and S.I. 2020/852, regs. 2(2), 4(2), **Sch. 1 para. 1(d)(viii)** and S.I. 2020/1460, **Sch. 3 para. 2(1)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F6** Words in reg. 31(2)(b) substituted (31.12.2022) by [The Product Safety and Metrology \(Amendment and Transitional Provisions\) Regulations 2022](#) (S.I. 2022/1393), regs. 1(1), 4, **Sch. 3** para. (b)

Status:

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Changes to legislation:

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