
STATUTORY INSTRUMENTS

2008 No. 1597

The Supply of Machinery (Safety) Regulations 2008

PART 3

General prohibitions and obligations

Supply of machinery: general obligations and prohibition

7.—(1) No responsible person shall place machinery on the market or put it into service unless it is safe.

(2) Before machinery is placed on the market or put into service, the responsible person must—

- (a) ensure that the applicable essential health and safety requirements are satisfied in respect of it;
- (b) ensure that the technical file is compiled and made available in accordance with the requirements of Annex VII (Part 7 of Schedule 2), part A;
- (c) provide, in particular, the information necessary to operate it safely, such as instructions;
- (d) follow, as appropriate—
 - (i) the conformity assessment procedure prescribed by regulation 10;
 - (ii) one of the conformity assessment procedures prescribed by regulation 11; or
 - (iii) one of the conformity assessment procedures prescribed by regulation 12;
- (e) draw up the EC declaration of conformity in accordance with the requirements of Annex II (Part 2 of Schedule 2), section A, part 1, and ensure that—
 - (i) a copy of it accompanies the machinery; and
 - (ii) the original is retained in accordance with the requirements of Annex II, part 2, first paragraph; and
- (f) affix the CE marking to the machinery—
 - (i) visibly, legibly and indelibly; and
 - (ii) as prescribed in Annex III (Part 3 of Schedule 2).

(3) In order to comply with the requirements of paragraphs (1) and (2), a responsible person must carry out, or procure the carrying out of, all the necessary research and tests on components, fittings or the completed machinery to determine whether, by its design and construction, it is capable of being assembled and put into service safely.

(4) For the purposes of paragraph (2)(a), machinery which is manufactured in conformity with a harmonised standard, the references to which have been published in the *Official Journal of the European Union* (a “published harmonised standard”) shall be presumed to comply with the essential health and safety requirements covered by that standard.

(5) Where—

- (a) the conformity assessment procedure specified in regulations 11(2)(b) and 12(2)(a) has been followed; and

(b) a type-examination certificate has been issued,
in respect of machinery, the manufacturer must comply with the ongoing obligations of
manufacturers prescribed in Annex IX (Part 9 of Schedule 2), point 9, in respect of that machinery.

(6) Where—

(a) the conformity assessment procedure specified in regulations 11(2)(c) and 12(2)(b) has
been followed; and

(b) a quality system has been approved,

in respect of machinery, the manufacturer must comply with the ongoing obligations of
manufacturers prescribed in Annex X (Part 10 of Schedule 2) in respect of that machinery.