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STATUTORY INSTRUMENTS

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**2011 No. 2157**

**The Supply of Machinery (Safety)  
(Amendment) Regulations 2011**

**Citation and commencement**

1. These Regulations may be cited as the Supply of Machinery (Safety) (Amendment) Regulations 2011 and come into force on 15th December 2011.

**Amendment of the Supply of Machinery (Safety) Regulations 2008**

2. The Supply of Machinery (Safety) Regulations 2008(1) are amended as set out in regulations 3 to 8.

3.—(1) Regulation 2 (interpretation) is amended as follows.

(2) In paragraph (1)(a), after “Directive [95/16/EC](#)” insert “, as amended by Directive [2009/127/EC](#) of the European Parliament and of the Council amending Directive [2006/42/EC](#) with regard to machinery for pesticide application(2)”.

(3) In paragraph (2)—

(a) for the definition of “essential health and safety requirements” substitute—

““essential health and safety requirements” means the requirements set out in Annex I (Part 1 of Schedule 2), being requirements relating to the design and construction of the products to which these Regulations apply to ensure a high level of protection of the health and safety of persons and, where appropriate, of domestic animals and property and, in the case of machinery referred to in section 2.4 of Annex I, of the environment;

(b) in the definition of “safe”, at the end insert—

“or

(c) in the case of machinery referred to in section 2.4 of Annex I (Part 1 of Schedule 2), endanger the environment;”.

4. Regulation 9 is revoked.

5. Paragraph (10) of regulation 16 is revoked.

6. In regulation 22(1)(a) omit “9”.

7. After regulation 28 insert—

**“Review**

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

(a) carry out a review of these Regulations,

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(1) [S.I. 2008/1597](#), as amended by [SI 2011/1043](#).

(2) [OJ No L 310, 25.11.2009, p.29](#).

- (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.”.

**8.** Part 1 of Schedule 2 (Annex I: Essential health and safety requirements relating to the design and construction of machinery) is amended as set out in the Schedule to these Regulations.

#### **Amendment of Northern Ireland Statutory Rules**

**9.—(1)** The Lifting Operations and Lifting Equipment Regulations (Northern Ireland) 1999<sup>(3)</sup> are amended as set out in paragraph (2).

(2) In regulation 2—

- (a) omit the definition of “the 1992 Regulations”; and
- (b) in the definition of “EC declaration of conformity”, for sub-paragraph (a) substitute—
  - “(a) section A of part 1 of Part 2 of Schedule 2 to the Supply of Machinery (Safety) Regulations 2008;”.

(3) The Provision and Use of Work Equipment Regulations (Northern Ireland) 1999<sup>(4)</sup> are amended as set out in paragraph (4).

(4) In Schedule 2—

- (a) omit the entry relating to the Supply of Machinery (Safety) Regulations 1992<sup>(5)</sup>; and
- (b) at the end insert a new entry as follows—
  - (i) in the first column: “The Supply of Machinery (Safety) Regulations 2008”; and
  - (ii) in the second column: “S.I. 2008/1597, amended by S.I. No. 2011/2157”.

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<sup>(3)</sup> S.R. 1999 No. 304, to which there are amendments not relevant to these Regulations.

<sup>(4)</sup> S.R. 1999 No. 305, to which there are amendments not relevant to these Regulations.

<sup>(5)</sup> S.I. 1992/3073, which was revoked by S.I. 2008/1597.

5th September 2011

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