
STATUTORY INSTRUMENTS

2024 No. 696

**The Product Safety and Metrology
etc. (Amendment) Regulations 2024**

Amendment to the Supply of Machinery (Safety) Regulations 2008

- 4.—(1) The Supply of Machinery (Safety) Regulations 2008⁽¹⁾ are amended as follows.
- (2) In regulation 2(1)(a) omit “(as it had effect immediately before IP completion day)”.
- (3) For regulation 12B substitute—

“Further use of UK marking

12B.—(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article or an Annex of the Directive;
- (b) “harmonised standard” means a harmonised standard within the meaning of Article 2(1) the reference to which has been published in the Official Journal of the European Union.

(2) Subject to paragraphs (4) and (5), paragraph (3) applies where, before placing machinery on the market or putting machinery into service, the responsible person ensures that—

- (a) the machinery satisfies the essential health and safety requirements set out in Annex I;
- (b) the appropriate procedure for assessing conformity as set out in Article 12 is carried out;
- (c) the technical file referred to in Annex VII, part A is compiled and can be made available to enforcement authorities on request;
- (d) the technical file, necessary information and records and correspondence relating to the assessment of conformity are prepared in or translated into English.

(3) Where this paragraph applies—

- (a) regulation 7(2)(a), (b) and (d) is to be treated as being satisfied;
- (b) regulations 10 to 12 do not apply;
- (c) regulations 7(2)(f)(ii), (5) and (6) and 13 and Part 2 of Schedule 2 apply subject to the modifications in paragraph (6).

(4) This paragraph applies to machinery listed in Annex IV in relation to which there is no designated standard or part of a designated standard which corresponds exactly to a harmonised standard or part of a harmonised standard referred to in Article 7(2).

(5) Where paragraph (4) applies, paragraph (2)(b) is to be read as requiring the manufacturer to carry out the procedure for assessing conformity set out in Article 12(4).

⁽¹⁾ *S.I. 2008/1597*; they were made under section 2(2) of the European Communities Act 1972 and are accordingly saved by virtue of section 2(1) of the European Union (Withdrawal) Act 2018; they were amended in respect of England and Wales and Scotland by *S.I. 2019/696*, *S.I. 2021/1273* and *S.I. 2022/1393*; there are other amending instruments but none is relevant.

- (6) The modifications referred to in paragraph (3)(c) are that—
- (a) in regulation 7(2)(f)(ii) the reference to Part 3 of Schedule 2 is to be read as a reference to the first paragraph of that Part only;
 - (b) in regulation 7(5)—
 - (i) sub-paragraph (a) is to be read as referring to the procedure for assessing conformity set out in Annex IX;
 - (ii) the reference in sub-paragraph (b) to a “type-examination certificate” is to be read as a reference to an EC type-examination certificate issued pursuant to the procedure set out in Annex IX;
 - (iii) the reference to “Annex IX (Part 9 of Schedule 2), point 9” is to be read as a reference to point 9 of Annex IX;
 - (c) in regulation 7(6)—
 - (i) sub-paragraph (a) is to be read as referring to the procedure for assessing conformity set out in Annex X;
 - (ii) the reference to “Annex X (Part 10 of Schedule 2)” is to be read as a reference to Annex X;
 - (d) in section 1, Part A of Part 2 of Schedule 2—
 - (i) in point 4—
 - (aa) the reference to the “relevant provisions of these Regulations” is to be read as including the Directive;
 - (bb) in the second place in which it occurs, the reference to “relevant provisions” is to be read as including a reference to other provisions of European Union legislation with which the machinery complies, where applicable;
 - (ii) point 5 is to be read as requiring the name, address and identification of the conformity assessment body which undertook the procedure for assessing conformity set out in Annex IX and the number of the EC type-examination certificate issued pursuant to that procedure;
 - (iii) point 6 is to be read as requiring the name, address and identification of the conformity assessment body which undertook the procedure for assessing conformity set out in Annex X;
 - (iv) in point 7 the reference to “designated standards” is to be read as a reference to harmonised standards;
 - (v) the second paragraph of Part 3 of Schedule 2 does not apply.”.
- (4) In regulation 30, omit paragraphs (3) to (5).