Buying new machinery

A short guide to the law and your responsibilities when buying new machinery for use at work
Introduction

This leaflet explains the main aspects of health and safety law you need to know about when buying new machinery. Although the laws look complicated, they can be summed up as requiring that any new machinery you buy for use at work is safe.

The information in this leaflet is arranged in four sections:

- A summary of the law on new machinery
- What you have to do in practice
- More detailed information about machinery supply law
- Checklists to use when talking to suppliers and buying new machinery.

A summary of the law on new machinery

What is the law on new machinery?

The Supply of Machinery (Safety) Regulations 2008 (as amended) require that machinery:

- is safe when supplied;
- comes with a Declaration of Conformity and user instructions in English; and
- is CE marked.

(Note: where the word ‘safe’ is used here, it refers to risks to both safety and health.)

Manufacturers, or their authorised representatives in Europe, have to meet these requirements when machinery is first placed on the European market. The Regulations also apply to users when putting machinery into service for the first time if it has not previously been in use in Europe (for example machinery built for own use or imported directly from outside Europe with no CE marking).

Intermediate suppliers must supply safe machinery in accordance with the requirements of section 6 of the Health and Safety at Work etc Act 1974 (or in Northern Ireland the identical provisions of Article 7 of the Health and Safety at Work (Northern Ireland) Order 1978).

Users of machinery have responsibilities under the Provision and Use of Work Equipment Regulations 1998 (PUWER), as amended by the Health and Safety (Miscellaneous Amendments) Regulations 2002, to:

- select and provide suitable work equipment, taking account of working conditions and the health and safety risks in the workplace;
- ensure that it is used correctly; and
- keep it maintained in a safe condition.
When buying new equipment (including machinery), users are also required by PUWER to check it complies with all relevant supply laws. This means checking it is:

- CE marked;
- supplied with a Declaration of Conformity and user instructions in English; and
- free from any obvious defect (such as missing or damaged guards).

Users also have other duties under PUWER, such as maintaining and inspecting the equipment to ensure it remains safe. These are covered by the leaflet Using work equipment safely.³

**Why do we have these laws?**

We have these laws to make sure that manufacturers and suppliers provide safe work equipment. This means that, when this equipment is used correctly and safely, the risk of accidents and ill health occurring is reduced.

**What is meant by ‘machinery’?**

A machine is normally regarded as being a piece of equipment which has moving parts and, usually, some kind of drive unit. Examples include:

- fork-lift trucks;
- metal-working drills;
- paper-making machines;
- circular saws;
- combine harvesters;
- lifting equipment (including lifting tackle and lifting equipment that is not powered);
- escalators;
- meat-mincing machines; and
- baling machines.

Some types of machinery are not covered by the Supply of Machinery (Safety) Regulations 2008. These are listed in ‘Exclusions’ on page 10.

**What you have to do in practice**

You may already know that most new machinery should have CE marking when you buy it. However, CE marking is only a claim by the manufacturer that the machinery is safe and that they have met relevant supply law. You – as the user – also have to check it is actually safe for your use. To understand what this means in practice when buying new machinery, it will help to understand the manufacturer’s responsibilities.
**What does the manufacturer have to do?**

Manufacturers must make sure that the machines they make are safe. They do this by:

- finding out about the health and safety hazards (trapping, crushing, electrical shock, dust, noise, vibration etc) likely to be present when the machine is used;
- assessing the likely risks as a result of the hazards;
- designing out those hazards that result in risks or, if that is not possible;
- providing safeguards (eg guarding dangerous parts of the machine, providing noise enclosures for noisy parts) or, if that is not possible;
- using warning signs on the machine to warn of hazards that cannot be designed out or safeguarded (eg ‘noisy machine’ signs);
- providing operating instructions with the machinery, giving information on any risks that cannot be fully controlled by the design and safeguards provided, and for where users need to have a safe system of work or undertake maintenance; and
- keeping information in a technical file, explaining what they have done and why.

Manufacturers must also:

- affix CE marking to the machine to show they have complied with all relevant supply laws;
- issue a Declaration of Conformity for the machine; and
- provide you, the buyer, with instructions in English that explain how to install, use and maintain the machinery safely.

**Is CE marking a guarantee of safety?**

By affixing the CE mark, the manufacturer is claiming that the machinery complies with the law. CE marking in itself does not guarantee safety. You still need to check the machine is safe for use on your site, before it is used.

**What do I need to do when buying a new machine?**

Before you buy it, think about:

- where and how it will be used;
- what it will be used for;
- who will use it (skilled employees, trainees etc);
- what risks to health and safety might result from its use; and
- how well health and safety risks are controlled by different manufacturers, comparing things such as noise or vibration levels produced. This can help you decide which machine may be suitable, particularly when buying a standard machine ‘off the shelf’.
If you are buying a more complex or custom-built machine, you should discuss your requirements with potential suppliers, who can advise you on the options available.

When buying a custom-built machine, you can use this opportunity to work with the manufacturer to help them design out the causes of injury and ill health (some of the which are listed in ‘Checklist A’ on page 12). The time spent now, agreeing safeguards to control health and safety risks in your business, could save you time and money later. Remember, your workforce are likely to be able to help you identify the hazards and risks of using the machines in your business.

If you will be forming an assembly line by connecting several machines together yourself, you will need to comply with some of the requirements of supply law, including CE marking the line as a whole. More information on this is given under ‘What about machinery which is going to be part of an assembly line?’ on page 9.

When you place the order specify in writing that the machine must be safe, meet all relevant supply legislation and be CE marked.

When you have bought it, check the machinery is CE marked and accompanied by:

- the Declaration of Conformity, which covers all of the relevant legislation (including the Machinery Directive 2006/42/EC); and
- a set of instructions in English, stating how the machine should be used and maintained.

Most important of all, check the equipment is safe and do this every time before you bring new machinery into use.

**How can I check the machine?**

First make sure that the supplier (or installer) has given you information in English on how the machine works and its safety features. For smaller, off-the-shelf machinery, this information should be included with the machine. Complex or custom-built machines may be backed up by a supplier demonstration but written instructions should still be supplied covering all aspects of health and safety.

Then take a close look at it. Many things that affect safety are obvious; others can be detected using common sense and by taking the time to closely examine your new machine. Experienced members of your workforce can also help you do this. You can, of course, also compare it with your existing similar machines and check that it is at least as safe as they are.

Think about the following:

- Do any parts look dangerous, eg exposed gear wheels, cutters?
- Are there guards? If so, are they securely in place?
Do the guards prevent access to the dangerous parts?
Can the machine operate with the guards easily removed?
Do you understand the controls?
Can dust or fumes escape from the machine?
Is it excessively noisy?
Is there excessive vibration?
Are any exposed parts likely to be extremely hot or cold?
Are any live electrical parts exposed or easy to get at?
Can you safely access all necessary parts for maintenance, especially those at height?
Are there any special features, e.g. slow running speed, for use when setting?
Are the manufacturer’s instructions clear and comprehensive?
Where there are connections to your network or the internet (physical or wireless), are there suitable security measures (technical and procedural) protecting all functions critical for health and safety?

Further guidance is given in ‘Checklist B’ on page 13.

What should I do if I think the machinery I have bought is unsafe?

Don’t use it. Contact the manufacturer or supplier for advice so you can arrange for the machine to be put right. If you allow unsafe machinery to be used then someone could be injured, for which you may have legal liabilities.

What else can I do?

If your company often buys machinery, you should consider producing guidelines on acceptance procedures and the checks to be made by those staff responsible for buying it.

How is doing all this going to help me and my business?

Allowing employees to use new machinery which is unsafe may cause an accident or incident. This will always cost you money and the costs can be higher than you realise. Also, if you were aware or should have been aware that a machine was unsafe, your business could be prosecuted.

More detailed information about machinery supply law

This section is for those who need to know more about the Supply of Machinery (Safety) Regulations 2008, as amended in 2011.

Note: these Regulations replaced in full the previous Supply of Machinery (Safety) Regulations 1992, as amended in 1994 and 2005, and have implemented the Machinery Directive in the UK since 1993.
**What is a Declaration of Conformity?**

This is a printed document that comes with the machine. It is the manufacturer’s declaration that the machine complies with the Machinery Directive (2006/42/EC), and any other product legislation which is relevant to that particular machine (e.g., the Electromagnetic Compatibility Directive 2014/30/EU).

The Declaration of Conformity must state:

- the name and address of the manufacturer or their authorised representative in Europe;
- the make, type and serial number (if any) of the machine;
- the European Union legislation which the machine complies with;
- information on which standards have been used in the design and manufacture (if any);
- name and address of the notified body (this is only required for certain machinery, see the list in the Appendix); and
- the signature of an authorised person and the date of the Declaration.

**What is a Declaration of Incorporation?**

This is a document which must be supplied with partly completed machinery. Partly completed machinery is machinery which is either a drive system or an assembly – part of a machine but something that cannot in itself perform a specific application, and which is only intended to be incorporated or assembled with other machinery/equipment to form a working machine.

The manufacturer should make this equipment as safe as possible, providing instructions for its safe assembly/incorporation and a Declaration of Incorporation. However, a partly completed machine should not be CE marked under the Supply of Machinery (Safety) Regulations/Machinery Directive (although may be CE marked under other legislation). The person who later combines this with other equipment to form a complete machine has the duty to comply with the relevant supply legislation, including CE marking.

**Do importers and suppliers have to follow all these requirements, even if the machinery is made outside Europe?**

All suppliers have to make sure that any machinery they supply within the UK and to the European Economic Area (EEA) is safe, no matter where it has been made. The EEA includes the 27 European Union member countries and also Iceland, Norway and Liechtenstein. Although the EEA excludes Switzerland, that country has implemented the European Machinery Directive and so these requirements are also relevant for machinery supplied or made in that country.
Importers and suppliers also need to check that:

- the manufacturer has carried out all the steps involved in making sure the machine is safe;
- there is a Declaration of Conformity for the machine, or Incorporation for partly completed machinery;
- there are full instructions in English for installing, using and maintaining the machine; and
- the machine has CE marking (not required if partly completed machinery).

**Warning:** If you import or construct the machine yourself, you take on the responsibilities of the manufacturer if the machine is not compliant with the Machinery Directive and CE marked with a Declaration of Conformity.

**Does new machinery have to be made to any particular standards?**

The machine must comply with the essential health and safety requirements (EHSRs) of UK and EU supply law. In all cases, the manufacturer or the manufacturer’s authorised representative must compile information in a technical file confirming how the machine complies with these requirements. The technical file must be kept for ten years after the product is last supplied.

However, when a machine has been made to the specification of any harmonised European standard listed in the *Official Journal* of the EU, it is presumed to conform to the EHSRs covered by that standard. (A harmonised standard is identified by an EN before the number, eg BS EN…, or BS EN ISO… and includes an Annex Z clarifying its status. Note: not all ENs are harmonised.)

In these cases the technical file has to show how the machine complies with those standards that give presumption of conformity. The use of these standards is voluntary but, if not followed, a similar level of risk reduction must be met as a minimum. European standards published by BSI are already available for many types of machinery.

Manufacturers can design and manufacture their machinery to other product standards (eg British or American standards) as long as they are certain the machine will comply with the relevant EHSRs and is safe. However – unlike the harmonised European standards – the use of other such standards during manufacture does not give a presumption of conformity with the relevant EHSRs. Manufacturers must therefore demonstrate they have met all relevant EHSRs in the technical file.

In some circumstances, where certain machinery is not made in accordance with a harmonised standard – such as some
woodworking machinery and power presses (see the complete list in the Appendix) – it must be type examined by an independent third party, known as a notified body. In these cases, the details of the notified body which has completed the examination will be on the Declaration of Conformity.

**What about buying second-hand machinery?**

It has to be safe for use. In some cases (pre-1995 machinery), it may not have CE marking but the supplier still has to make sure it is safe and accompanied by instructions for safe use.

As user, you have a duty to make sure that second-hand machinery is:

- safe when put into use;
- suitable for the selected work; and
- maintained in a safe condition.

If a second-hand machine has been totally refurbished (for example, adding CNC control, together with other work), it may have (or require) new CE marking. This is because the way it operates is very different to before and, as a result, it has to be treated as a new machine.

Importers of second-hand machinery which is ‘new’ to anywhere in Europe and the UK – that is, second-hand machinery which has not been placed on the UK or European markets or put into service there before – will have to meet the requirements of the Supply of Machinery (Safety) Regulations 2008. This means the product must be safe and CE marked. If you, as user, are also the importer in these circumstances, you will have to meet these requirements.

**What about machinery which is going to be part of an assembly line?**

Assembly lines may comprise a collection of CE-marked machinery, or a mix of complete CE-marked machinery, partly completed machinery and other equipment. Whoever fits the machine into the assembly line must pay particular attention to any hazards which may be introduced as a result (for instance, additional guarding or other controls may be required).

Where an assembly line functions as an integrated whole, the person incorporating the machine into the line must ensure safety and complete the technical file. This should contain all information on the design and how the machine was incorporated, together with the Declarations of Conformity (for whole pieces of machinery) and Incorporation (partly completed machinery) for all individual machines in the line.
The whole line should have CE marking. This may be undertaken by you, as user – particularly if you operate a small company – or by a project manager (e.g., the installer, assembler, or manufacturer).

**Do I have to buy the manufacturer’s safeguards?**

If the item is a machine where the Supply of Machinery (Safety) Regulations/Machinery Directive applies, the manufacturer must supply it complete with all safeguards. They cannot supply it with any safeguards missing and expect you to provide them. However, in some special circumstances – for example where particular tools etc. are going to be incorporated, or an existing noise enclosure is going to be reused – there can be a specific written agreement relating to the provision of these particular safeguards.

This would be between you (the buyer) and the supplier, provided it is fully taken into account by the supplier in their technical file and the CE mark covers them. However, this is rarely done and manufacturers must generally supply all safeguards. Please note, you can only sign to accept the responsibility of fitting your own safeguards – and in effect, become involved in the final part of the manufacturing process – for equipment that does not come under supply legislation (see ‘Exclusions’ below).

**Exclusions**

The Supply of Machinery (Safety) Regulations 2008/Machinery Directive (both as amended) do not apply to the following:

- machinery intended for use outside the UK, EEA and Switzerland;
- second-hand machinery (when not substantially refurbished), except when ‘new’ to the UK, EEA or Switzerland;
- manually powered machinery, except machinery used for lifting or lowering loads;
- machinery for medical use;
- specialised fairground or amusement park equipment;
- steam boilers, tanks and pressure vessels;
- nuclear equipment, which will emit radioactivity if it fails;
- radioactive sources forming part of a machine;
- weapons, including firearms;
- storage tanks and pipelines for petrol, diesel, flammable liquids and dangerous substances;
- passenger transport vehicles and their trailers (air, road, rail or water);
- seagoing vessels and mobile offshore units, and their equipment;
- cableways, including funicular railways used to carry passengers;
- agricultural and forestry tractors (but does apply to machinery mounted on them and agricultural trailers where they meet the definition of machinery, e.g., tippers);
- military and police equipment;
- conventional passenger lifts;
- mine winding gear;
- machinery intended to move performers during artistic performances;
- electric motors;
- household appliances intended for domestic use;
- audio, video and information technology equipment;
- ordinary office machinery;
- electrical switchgear and transformers;
- safety components supplied as identical spare parts by the original equipment manufacturer;
- rail-mounted means of transport using rack and pinion; and
- motor vehicles exclusively intended for competition.

**What other supply law is there?**

*Note: this list is not exhaustive*

- The Electrical Equipment (Safety) Regulations 2016 (as amended) apply to electrical equipment in scope – including (even if machinery) household appliances intended for domestic use, audio, video and information technology equipment, ordinary office machinery, low-voltage switch and control gear, and electric motors, but not DIY/garden tools, powered furniture, doors and gates
- The Electromagnetic Compatibility Regulations 2016 (as amended) apply to equipment likely to cause electromagnetic disturbance, or whose performance is likely to be affected by electromagnetic disturbance (almost all electrically powered equipment)
- The Pressure Equipment (Safety) Regulations 2016 (as amended) and the Simple Pressure Vessels (Safety) Regulations 2016 (as amended) apply to most pressure systems
- The Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016 (and the 2017 Northern Ireland version of these Regulations) apply to equipment for use in flammable atmospheres
- The Lifts Regulations 2016 (as amended 2016) apply to conventional passenger lifts, but not slow-moving lifts and construction hoists
- European Regulation 2017/745/EU on Medical Appliances which (from 26 May 2020) applies to most equipment used for medical purposes, including medical devices which are machinery – replacing the previous Medical Devices Regulations 2002 (as amended)
- Regulation 2016/426/EU on Appliances Burning Gaseous Fuels and the Gas Appliances (Enforcement and Miscellaneous Amendments) Regulations 2018 apply to most gas appliances (but not for industrial processes on industrial premises and some
Checklists to use when talking to suppliers and buying new machinery

Checklist A

What should I talk to a supplier (or manufacturer) about?

Tell the supplier where the machine will be used, what you want to use it for and who will be using it – particularly if it is a complex or custom-built machine.

Ask the supplier the following questions:

- What health and safety risks might there be when using the machine?
- Are there any dangerous parts and what guards will be provided?
- Will it need emergency stop controls and how will it be isolated?
- How do the controls and control systems work?
- Where there are data or control connections to other equipment, systems or the internet (physical or wireless), are there suitable measures (technical and procedural), and change management procedures, to protect all functions critical for health and safety?
- Will dust or fumes etc be produced by the process, how are these managed by the machine? Can you adapt an existing extraction system to cope with the new machine?
- Has the machinery been designed to minimise the noise and vibration levels produced and what levels are expected?
- Are there any extremely hot or cold parts of the machine, and can they be insulated or protected?
- Are there any lasers or thickness gauges, and can any exposure to radiation be eliminated? If not, what precautions are there to stop any exposure to radiation?
- What has been done to eliminate the risk of electric shock, particularly during maintenance work when covers or control panel doors may be open?
- Are there possible risks from other sources of energy, such as unsupported raised parts, or hydraulic and pneumatic power sources?
- What precautions exist for safe access, especially at height?
Is there clear information about installation, maintenance and breakdown procedures?

Will you be informed if problems arise with similar machines bought by other users?

In addition, it is good practice for the supplier or manufacturer to have a service backup or helpline so you can get further information as you need it. You could check what is in place before buying.

Checklist B

What do I have to do when I have bought new machinery?

- Check it has CE marking (unless it is partly completed machinery) and a copy of the Declaration of Conformity (or Declaration of Incorporation, if partly completed machinery). If not, then you should ask the supplier to provide this.
- Check that the supplier has explained what the machinery is designed to be used for and what it cannot be used for (unless this is specified in the instructions).
- Make sure a manual has been supplied which includes instructions for safe use, assembly, installation, commissioning, safe handling, adjustment and maintenance.
- Make sure the instruction manual is written in English. However, the maintenance instructions may be written in another language, if specialised staff from the manufacturer or supplier will be carrying out the maintenance.
- Make sure information has been provided about any remaining risks from the machine, and the precautions you need to take to deal with them. These may include electrical, hydraulic, pneumatic, stored energy, thermal, radiation or health hazards.
- Check that data about noise and vibration levels has been provided where necessary, especially for hand-held tools, and noisy equipment.
- Ensure that any warning signs are visible, in English and easy to understand.
- For a complex or custom-built machine, arrange for a trial run so you can be shown the safety features and how they work.
- Check for yourself to see if the machine is safe.
- Make sure any early concerns about the safety of the machine are reported to the supplier.

Remember: Never assume that machinery is safe just because it has CE marking. Always check for obvious defects and damage.
Appendix

This is a list of machinery subject to type examination by a notified body (the details of this body should be given on the Declaration of Conformity), if not manufactured fully in accordance with a relevant harmonised standard (from Annex IV, Machinery Directive 2006/42/EC).

1. Circular saws (single or multi-blade) – for working with wood and material with similar physical characteristics, or for working with meat and material with similar physical characteristics – of the following types:
   a) sawing machinery with fixed blade(s) during cutting, having a fixed bed or support with manual feed of the workpiece or with a demountable power feed
   b) sawing machinery with fixed blade(s) during cutting, having a manually operated reciprocating saw-bench or carriage
   c) sawing machinery with fixed blade(s) during cutting, having a built-in mechanical feed device for the workpieces, with manual loading and/or unloading
   d) sawing machinery with moveable blade(s) during cutting, having mechanical movement of the blade, with manual loading and/or unloading

2. Hand-fed surface planing machinery for woodworking

3. Thicknessers for one-side dressing having a built-in mechanical feed device, with manual loading and/or unloading for woodworking

4. Band-saws with manual loading and/or unloading – for working with wood and material with similar physical characteristics, or for working with meat and material with similar physical characteristics – of the following types:
   a) sawing machinery with fixed blade(s) during cutting, having a fixed or reciprocating-movement bed or support for the workpiece
   b) sawing machinery with blade(s) assembled on a carriage with reciprocating motion

5. Combined machinery of the types referred to in points 1 to 4, and in point 7, for working with wood and material with similar physical characteristics

6. Hand-fed tenoning machinery with several tool holders for woodworking

7. Hand-fed vertical spindle-moulding machinery for working with wood and material with similar physical characteristics

8. Portable chainsaws for woodworking

9. Presses, including press-brakes, for the cold working of metals, with manual loading and/or unloading, whose moveable working parts may have a travel exceeding 6 mm and a speed exceeding 30 mm/s
10 Injection or compression plastics-moulding machinery with manual loading or unloading
11 Injection or compression rubber-moulding machinery with manual loading or unloading
12 Machinery for underground working of the following types:
   a) locomotives and brake-vans
   b) hydraulic-powered roof supports
13 Manually loaded trucks for the collection of household refuse, incorporating a compression mechanism
14 Removable mechanical transmission devices, including their guards
15 Guards for removable mechanical transmission devices
16 Vehicle servicing lifts
17 Devices for the lifting of people, or of people and goods, involving a hazard of falling from a vertical height of more than 3 m
18 Portable cartridge-operated fixing and other impact machinery
19 Protective devices designed to detect the presence of people
20 Power-operated interlocking moveable guards, designed to be used as safeguards in the machinery referred to in points 9, 10 and 11
21 Logic units to ensure safety functions
22 Roll-over protective structures (ROPS)
23 Falling-object protective structures (FOPS)
References

1  Supplying new machinery: A short guide to the law and your responsibilities when supplying machinery for use at work Leaflet INDG270 HSE 2020 www.hse.gov.uk/pubns/indg270.htm


3  Using work equipment safely Leaflet INDG229(rev1) HSE 2012 www.hse.gov.uk/pubns/indg229.htm

Further reading


For full details of The Health and Safety at Work etc Act 1974, The Supply of Machinery (Safety) Regulations 2008 (as amended 2011), and the other UK legislation mentioned visit: www.legislation.gov.uk

Further information

For information about health and safety, or to report inconsistencies or inaccuracies in this guidance, visit www.hse.gov.uk.

You can order HSE priced publications at https://books.hse.gov.uk.

HSE priced publications are also available from bookshops.

This guidance is issued by the Health and Safety Executive. Following the guidance is not compulsory, unless specifically stated, and you are free to take other action. But if you do follow the guidance you will normally be doing enough to comply with the law. Health and safety inspectors seek to secure compliance with the law and may refer to this guidance.

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