

Machinery directive

The Supply of Machinery (Safety) Regulations 2008 come into force next year.

Brian Tinham talks to the HSE about the implications for compliance

How will you be affected by the Supply of Machinery (Safety) Regulations 2008 (SI2008/159), which come into force on 29 December 2009? If you're not involved with the design, manufacture or sale of machinery, you might think, 'not much', since the legislation is aimed squarely at suppliers, not plant users.

However, plant engineers would do well to make themselves aware of changes in this third revision, as well as some of the implications when it comes to purchasing equipment. At the very least, getting a grip on the structure of EU standards and the documentation behind this goal-setting legislation will help your understanding of safety compliance.

Ian Simpson, formerly engineering project manager at Huntsman Chemicals and now inspector for mechanical engineering at the HSE, covering lifting equipment, cranes and associated plant, provides excellent insight. He indicates that this revision mostly resolves anomalies from the last update, a decade ago. However, in doing so, it also forces some amendments to associated European standards, which are, in turn, now being updated.

Not retrospective

That said, he explains: "Any equipment sold after 1 January 2010 has to be compliant with the new regulations, but users also need to understand that they don't have to bring existing plant up to the new standard." The one key caveat: plant owners and operators do need to consider that, if an accident is serious enough to lead to litigation, the new standards may be referenced as state-of-the-art.

Simpson indicates that, although for the most part the changes are minor, they do impact a lot of situations. "For example, there are changes in terms of the supply of lifts for persons with impaired mobility. Before, there was doubt about whether these came under the Lifts Directive or Machinery Directive. Now they're under the latter, so the Lifts Directive is being amended to take out certain clauses, while the relevant standards are also being updated to clarify what's required to comply with the EHSRs [essential health and safety requirements documents] of the Machinery Directive."


He also cites new precautions for vertical lifting platforms serving fixed landings, to prevent contact with fixed or moving elements and to ensure braking at maximum load and speed. "Requirements are defined in the harmonised European standards, which, in turn, are based on EHSRs that are

themselves being amended to improve engineers' understanding and remove ambiguities."

Sounding complicated? Simpson says it's not and refers to flow charts becoming available. "So, for example, they show that, while higher risks still need to be addressed by notified bodies, simpler things can be handled in-house such that documentation and effort become proportional to the hazard." Help is also at hand from BERR (the Department for Business, Enterprise and Regulatory Reform), in terms of guidance notes. If that's not enough, HSE can also provide some advice: otherwise you're back to working with consultants.

"Machinery manufacturers can either declare that their product meets all the EHSRs, or follow the harmonised European standards in their entirety," explains Simpson. But if you want to use the latter, loader cranes that fit on the back of vehicles, for example, would have to be certified to all relevant BS EN standards – which are themselves being revised to comply with the new directive.

"It's likely that some of these won't be ready. Companies need to check the status of the standards they're using through their trade associations – such as LEEA [Lifting Equipment Engineers Association] in the lift and escalator industry, or ALLMI [the Association of Lorry Loader Manufacturers] for loader cranes."

If you want a full picture of the implications of the Machinery Directive and beyond, SOE IPlantE is running an evening seminar on 21 October at Newcastle University, guided by Ian Simpson. Call Emma Mann at SOE on 0207 630 1111, or go online at www.soe.org.uk/events/event 

Pointers

- Any equipment sold after 1 January 2010 must comply with the new regulations, which are largely about improving clarification
- Relevant changes include, for example, lifts for persons with impaired mobility, which will now come under Machinery, not Lifts
- Essential Health and Safety Requirements (EHSR) documents are being updated concurrently
- Relevant harmonised European standards are based on these EHSRs
- Some advice is available from HSE and BERR

Machinery, simple or complex, must comply with the Supply of Machinery (Safety) Regulations 2008, if bought after 29 December 2009

