

Guidelines on Second hand Machinery

At first glance the prospect of acquiring "second hand" machine may appear very attractive as a money saving bargain, but beware!

Firstly some definitions:-

Second hand – The term applies to machines which have already been used in a country of the EU and are once again being placed on the market in the EU.

Reconditioned – This term may have broader meanings. Reconditioned machinery is existing machinery which has undergone technical work designed to modify its condition, its performance, its safety, etc. and the work may consist of modifying the machinery to a greater or lesser extent. Reconditioning may be just superficial by modifying small parts of the machinery and/or changing worn parts OR it could be significant reconditioning bordering on reconstructing or rebuilding.

Reconstructed or Rebuilt - "Reconstructed" or "Rebuilt" machinery is new machinery consisting, entirely or in part, of parts taken from old machinery.

The EU Directives and CE Marking

The EU "New approach" Directives, including the Machinery Directive, were designed exclusively for products being placed on the market for the first time (new products or products regarded as new) and their compliance is indicated by the CE Mark.

In general "second hand" machinery from the EU is not new and, therefore, does not require to be CE Marked. In the UK, however, it must be compliant with the Provision and Use of Work Equipment Regulations 1998 (PUWER98) when put into service. Machinery that has been in service in a country outside of the EU (or the EEA) that has never been placed on the market in the EU counts as being placed on the EU market for the first time. Technically it is "new" and as such, European Directives are applicable, and the machinery must meet all the obligations of new machinery including CE Marking.

Reconditioned machinery is treated much the same as second hand, but be warned, if the reconditioning is extensive and has a significant effect on the safety of the machine, then it may be considered in law as having been "Reconstructed" or "Rebuilt". Either way, it must be compliant with the Provision and Use of Work Equipment Regulations 1998 (PUWER98) when put into service.

"Sold as Seen"

For buyers and sellers of machinery "*sold as seen*" is no protection from liabilities under health and safety legislation. In a recent case, following a serious injury, a secondhand machinery supplier, who supplied a machine "*as seen, as is*" and "*free from any damage other than normal wear and tear with machine manuals provided*", was fined £5000 plus costs for breach of Section 6 of the Health and Safety at Work etc Act 1974. The purchaser was fined £2800 for breach under regulation 3(1) of the Management of Health and Safety at Work Regulations 1999 and fined £2800 for breach under regulation 11 of the Provision and Use of Work Equipment Regulations 1998 (PUWER98).

Suppliers should safeguard second hand machines or obtain a written undertaking from the purchaser that they will take specified steps to ensure that the article is safe. The purchaser should always undertake a Risk Assessment and acted appropriately to reduce the risks.

What you should do before you buy

Before considering the purchase of a second hand machine an assessment must be conducted to ensure that the machine will comply with the PUWER 98 Regulations, this includes a Risk Assessment. The costs involved in bringing the machine into compliance may be considerable and outweigh the savings expected and, in addition, place the business at risk by contravention of Health & Safety Regulations.

The following checklist may be helpful in establishing the merits of the proposed purchase, and help you weigh up the costs and practicalities of bringing the machine into compliance:-

	Question		Conclusion
1	Is the machine suitable for the purpose and safe for use?		
2	Are the correct operating and maintenance manuals included (with up-to-date drawings and parts lists)?		
3	Is a Risk Assessment provided?		
4	Is the machine is complete? (check using the manuals)		
5	Has it been in use in the EU or is it imported from outside of the EU (see above)?		
6	Does it comply with the requirements of PUWER98? (did the last owner do & record a PUWER Audit?)		
7	Are all the guards and safety devices fitted onto the machine?		
8	Are the guards, interlocks and safety systems adequate?		
9	Is braking necessary for the machine? If so is it fitted?		
10	Are the operating speeds suitable for tooling you intend to use?		
11	Are all the bearings, belts, drives, etc. in good order?		
12	Are the motors, electrical control equipment, etc. compliant and working, and is the wiring sound?		
13	Are all the sources of power isolatable and lockable in "OFF" (electrical, pneumatic, hydraulic, etc.)		
14	Is the original manufacturer still in existence?		
15	Are spare parts available?		
16	When was the machine last operated?		
17	When was the machine last serviced and was it recorded?		
18	Are there any records of incidents or accidents associated with the machine?		
19	Was the machine supplied new, rebuilt or second hand to the last user?		
20	If it was second hand, was it reconditioned and by whom?		

Need more help?



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