

To clarify the regulations relating to second hand and hired equipment, the

Welding Manufacturers' Association

has produced this brief information sheet, in line with HSE guidance, which we recommend you, read.

This text contains a list of the relevant regulations and below we have tried to answer some of the questions most frequently raised.

BUYING SECOND HAND EQUIPMENT

I am thinking about buying second-hand equipment. What are the legal requirements?

The Provision and Use of Work Equipment Regulations, 1992 put the emphasis of responsibility on the purchaser and user of equipment. In common with other regulations the primary aim is to ensure equipment is safe. These regulations are retrospective and certain provisions, mainly specific requirements for protection against mechanical hazards, apply to all equipment regardless of age.

How can I be sure the second-hand equipment that I buy is safe?

If the equipment is made to a recognised European or National standard it should have been made to good engineering practice. If there is no recognisable standard number on the rating plate of a power source, then the original construction of that equipment must be questionable. The equipment may have been repaired with non-original parts or modified in some way, rendering it unsafe. For all second-hand electrical equipment, proof of a safety check should always be asked for.

So second-hand equipment does not need a CE mark?

If the equipment was originally made before a CE mark was required, and has not been altered in any way, apart from repairs using original parts, then a CE mark is not required. However, if the equipment has been substantially refurbished or modified, it is considered to be new. This means that the person who carries out the refurbishment and has made modifications must comply with the regulations relevant to new equipment and must apply a CE mark.

SELLING SECOND HAND EQUIPMENT

What are the legal requirements, if I sell second hand equipment?

The safety of second-hand electrical equipment is controlled by the Electrical Equipment Safety Regulations 1994. So if you sell second-hand equipment you need to make sure it is safe.

What checks should I make on the equipment?

If the equipment is made to a European standard or the National equivalent, it should be made to good engineering practice. However a safety check should be carried out before the equipment is sold. As well as checking that there is no damage to the equipment, primary cable and plug, it is also advisable to check the electrical insulation and the protective earth bond.

If there is no evidence that the equipment has been made to a recognised standard, it is difficult to judge the safety of the original construction.

Should I CE mark the equipment before I sell it?

No, although the equipment must meet the Electrical Equipment Safety Regulations 1994, it does not need a CE mark unless it is already so marked. If the equipment has been substantially refurbished or modified, it is considered to be a new. This means that the person who carries out the refurbishment and has made modifications must comply with the regulations relevant to new equipment and must apply a CE mark.

But what if I have repaired the equipment?

Provided that original parts have been used and the equipment has not been modified, no further action is required apart from a safety check.

BUYING AT AUCTION

Under the Health and Safety at Work etc. Act 1974, the auctioneer has some responsibility for equipment sold by him at auction. However, the extent of that responsibility may depend on factors such as his knowledge and experience of the product.

Therefore, if you buy at auction it is important to assure yourself of the safety of the equipment

IMPORTING EQUIPMENT

If you import equipment into the EU, to use, sell or hire out, it is considered to be new and must meet all the regulations for new products. The importer is responsible for that product. This means, compiling the technical file, declaring that the product meets the applicable regulations and for CE marking.

HIRING OUT EQUIPMENT

What are the legal requirements if I hire out equipment?

The safety of electrical equipment that is hired out or leased is controlled by the Electrical Equipment Safety Regulations 1994. So if you hire out or lease equipment you must ensure that it is safe, If the equipment was first sold, leased or hired after the 1 January 1997 it should be CE marked to the regulations.

The Electricity at Work Regulations 1989, require that equipment is routinely inspected and maintained. The Institute of Electrical Engineers (IEE) recommend that a safety inspection and test is carried out prior to each hire period.

There are further regulations for equipment, which possess mechanical hazards. Basically, the UK regulations now require all equipment to be brought up to the level of safety required of new equipment. For hired or leased equipment this responsibility lies with the person hiring out that equipment.

What should I look for if I am hiring in equipment?

If you hire CE marked equipment, this should fulfil the regulations, but if there is no CE mark you should demand evidence that the machinery is constructed to good engineering practice and is safe. Also, ask for proof that a safety check has been carried out.

While the equipment is in your possession you are responsible for maintenance and inspection to ensure the continued Safety of that equipment

SOURCES OF FURTHER INFORMATION

HSE Books
PO Box 1999
Sudbury
Suffolk 0010 6FS
201787881165
Fax 01787313995

HMSO Publications Centre
PO Box 276
London SW8 5DT
Phone 020 7873 9090
Fax 020 7873 8200

Welding manufacturers' Association

The Welding Manufacturers' Association (WMA), federated within BEAMA (The Federation of British electrotechnical and Allied Manufacturers Associations) represents UK-based manufacturers of electrical and allied welding equipment and consumables and serves the commercial and technical interests of members nationally and internationally. The WMA is recognised by Government, BSI, The Welding Institute, international associations and other bodies as the consultative body for the Welding Industry. WMA influence on technical standards ensures products, performance and safety standards are maintained at a high but acceptable level

A list of WMA members can be obtained from;

Welding Manufacturers' Association
Westminster Tower
3 Albert Embankment
London SE1 7SL

Phone 020 7793 3041
Fax 020 7582 8020

Or on our website at www.wma.uk.com