STATUTORY RULES OF NORTHERN IRELAND

2006 No. 335

HEALTH AND SAFETY

The Agriculture (Safety of Children and Young Persons) Regulations (Northern Ireland) 2006

Made - - - -	*15th August 2006*
Coming into operation	*31st October 2006*

The Department of Enterprise, Trade and Investment(**1**), being the Department concerned(**2**), makes the following Regulations in exercise of the powers conferred on it by Articles 17(1), (2), (3) and (6)(**3**) and 55(2) of, and paragraph 13 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**4**). The Regulations give effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A) of that Order(**5**), after the Executive had carried out consultations in accordance with Article 46(3) of that Order(**6**).

Citation and commencement

1. These Regulations may be cited as the Agriculture (Safety of Children and Young Persons) Regulations (Northern Ireland) 2006 and shall come into operation on 31st October 2006.

Interpretation

2. In these Regulations—

"adult" means a person who has attained the age of 18 years;

"agricultural activities"—

(a) includes horticulture, fruit growing, seed growing, dairy farming, livestock breeding and keeping, including the management of livestock up to the point of slaughter or export from Northern Ireland, forestry, the use of land as grazing land, osier land, market gardens and nursery grounds and the preparation of land for agricultural use;

(b) does not include such activities at a garden centre or other shop,

(**1**) Formerly the Department of Economic Development; *see*S.I. 1999/283 (N.I. 1), Article 3(5); that Department was formerly the Department of Manpower Services, *see*S.I. 1982/846 (N.I. 11), Article 3
(**2**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**3**) Article 17 must be read with S.I. 1992/1728 (N.I. 17), Articles 3(2) and 4(2)
(**4**) S.I. 1978/1039 (N.I. 9); the general purposes of Part II referred to in Article 17(1) were extended by S.I. 1992/1728 (N.I. 17), Article 3(1). Article 47A was inserted by Article 3, and Article 2 was amended by Articles 4 and 8, of S.I. 1997/1774 (N.I. 16)
(**5**) Article 13 (1) was substituted by S.I. 1998/2795 (N.I. 18), Article 4
(**6**) Article 46(3) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18(c)

and for this purpose "livestock breeding and keeping" does not include activities the main purpose of which is entertainment;

"agricultural machinery" means—

(a) a vehicle or other machinery designed mainly for use in agricultural activities;

(b) a vehicle mainly used in agricultural activities;

"child" means a person who has not attained the age of 16 years;

"livestock" means any creature kept for the production of food, wool, skins or fur or for the purpose of any agricultural activity;

"young person" means a person who has attained the age of 16 years but has not attained the age of 18 years.

Prevention of access

3. Every employer and self employed person shall so far as is reasonably practicable prevent a child from gaining access to any hazardous part of premises used by him for agricultural activities except under the supervision of an adult.

Prohibition on children operating agricultural machinery

4. An employer or self-employed person shall not cause or permit a child under the age of 13 years to—

(a) drive, tow or otherwise operate agricultural machinery in the course of agricultural activities; or

(b) drive or tow such machinery to or from the site of such activities.

Prohibition on children riding on agricultural machinery

5. An employer or self-employed person shall not cause or permit a child who is under the age of 13 years to ride in or on agricultural machinery in the course of, or to or from the site of, agricultural activities.

Prohibition on children and restriction on young persons maintaining agricultural machinery

6.—(1) An employer or self-employed person ("the responsible person") shall not cause or permit a child to maintain agricultural machinery.

(2) The responsible person shall not cause or permit a young person to maintain such machinery, unless the maintenance is supervised by a competent adult.

Restriction on the use of agricultural machinery

7.—(1) An employer or self-employed person ("the responsible person") shall not cause or permit a child aged 13 years and over or a young person to drive, tow or otherwise operate agricultural machinery in the course of agricultural activities, or to drive it to or from the site of such activities unless—

(a) the child or young person is supervised by a competent adult;

(b) the child or young person has received adequate training;

(c) it is necessary for his practical training;

(d) having carried out a risk assessment, any risk is reduced to the lowest level that is reasonably practicable; and

(e) where the child or young person is not an employee, the requirements of the Provision and Use of Work Equipment Regulations (Northern Ireland) 1999(**7**) are complied with in relation to his use of the machinery as if—

(i) he were an employee of the responsible person; and

(ii) the machinery were work equipment within the meaning of those Regulations.

(2) In this regulation—

(a) "adequate training" means having attained a certificate of competence by attending a relevant machinery course; and

(b) "risk assessment" means a risk assessment carried out in accordance with the provisions of the Management of Health and Safety at Work Regulations (Northern Ireland) 2000(**8**).

Defence

8. It shall be a defence for a person charged with a contravention of a provision of these Regulations to prove that he used all due diligence to secure compliance with that provision.

Revocation of the Agriculture (Safety of Children) Regulations (Northern Ireland) 1981 and the Agriculture (Safety of Children)(Amendment) Regulations (Northern Ireland) 1983

9. The Agriculture (Safety of Children) Regulations (Northern Ireland) 1981(**9**) and the Agriculture (Safety of Children) (Amendment) Regulations (Northern Ireland) 1983(**10**) are hereby revoked.

Amendment of the Agriculture (Tractor Cabs) Regulations (Northern Ireland) 1993

10. In the Agriculture (Tractor Cabs) Regulations (Northern Ireland) 1993(**11**) for paragraphs (4) and (5) of regulation 6 (Obligations on employers, employees and others) there shall be substituted—

"(4) Notwithstanding regulation 7 of the Agriculture (Safety of Children and Young Persons) Regulations (Northern Ireland) 2006 a person who has attained the age of thirteen years but has not attained the age of eighteen years shall not drive a tractor in the course of agricultural operations or while it is travelling to or from the site of such operations, and a person shall not cause or permit him to do so, unless the tractor is properly fitted with an enclosed approved safety cab.

(5) Notwithstanding paragraphs (1), (2), (3) and (4) and regulations 4, 6 and 7 of the Agriculture (Safety of Children and Young Persons) Regulations (Northern Ireland) 2006 a person shall not drive a tractor in the course of agricultural operations, or drive it to or from the site of such operations unless it is properly fitted with a safety cab marked with the appropriate approval mark."

(**7**) S.R. 1999 No. 305, amended by S.I. 1999/2001, S.R. 2000 No. 87, S.I. 2001/1701, S.R. 2003 No. 423, S.I. 2004/129, S.R. 2005 No. 279, S.R. 2005 No. 397 and S.R. 2006 No. 1
(**8**) S.R. 2000 No. 388, amended by S.R. 2001 No. 348, S.R. 2003 No. 454 and S.R. 2006 No. 255
(**9**) S.R. 1981 No. 6
(**10**) S.R. 1983 No. 355
(**11**) S.R. 1993 No. 477, amended by S.R. 1997 No. 149 and S.R. 1999 No. 150