1993 No. 477

HEALTH AND SAFETY

AGRICULTURE

Agriculture (Tractor Cabs) Regulations (Northern Ireland) 1993

Made . . . . . *9th December 1993*

Coming into operation . . *1st February 1994*

The Department of Agriculture, being the Department concerned(**a**), in exercise of the powers conferred on it by Articles 2(5), 17(1), (2), (4) and (5) and 55(2) of and paragraphs 1(1), 1(2), 1(3) and 14(1) of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(**b**) and of every other power enabling it in that behalf, after consultation, in accordance with Article 46(1) of that Order, with the Health and Safety Agency for Northern Ireland and such other bodies as appear to the Department to be appropriate, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Agriculture (Tractor Cabs) Regulations (Northern Ireland) 1993 and shall come into operation on 1st February 1994.

Interpretation

2.—(1) In these Regulations—

"agriculture" includes horticulture, fruit growing, seed growing, dairy farming, livestock breeding and keeping, forestry, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the preparation of land for agricultural use;

"approval mark" means one of the two marks incorporating a crown inside a triangle, illustrated in paragraph 1 of Part I of the Schedule and "appropriate approval mark" means—

(*a*) in relation to a safety cab fitted to a tractor which is or has been new on or after 1st February 1994 or in relation to a safety cab which itself is or has been new on or after 1st February 1994 the mark illustrated in paragraph 1(1) of Part I of the Schedule;

(*b*) in relation to any other safety cab, either approval mark;

"approved" in relation to a safety cab, means approved in accordance with regulation 4 for use with a tractor and any safety cab which is marked with a component type-approval mark in accordance with—

(a) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(b) S.I. 1978/1039 (N.I. 9)

(*a*) Council Directive 77/536/EEC(**a**) relating to the roll-over protection structures of wheeled agricultural or forestry tractors, as amended by Council Directives 87/354/EEC(**b**) and 89/680/EEC(**c**);

(*b*) Council Directive 79/622/EEC(**d**) relating to the static testing of the roll-over protection structures of wheeled agricultural or forestry tractors, as amended by Council Directive 87/354/EEC and as adapted to technical progress by Commission Directives 82/953/EEC(**e**) and 88/413/EEC(**f**);

(*c*) Council Directive 86/298/EEC(**g**) relating to the rear-mounted roll-over protection structures of narrow-track wheeled agricultural and forestry tractors, as amended by Council Directive 89/682/EEC(**h**); or

(*d*) Council Directive 87/402/EEC(**i**) relating to the roll-over protection structures mounted in front of the driver's seat on narrow-track wheeled agricultural and forestry tractors, as amended by Council Directive 89/681/EEC(**j**),

shall be deemed to be approved and correctly marked with the appropriate approval mark and supplementary marks in accordance with that regulation if it is fitted to and for use with a tractor of the type to which it was attached when tested pursuant to the relevant Directive specified above, and the driver-perceived noise level is within either of the limits specified in Article 2.1 of Council Directive 77/311/EEC(**k**) (relating to the driver-perceived noise level of wheeled agricultural or forestry tractors) when measured in accordance with the relevant Annex to that Directive;

"building" includes any underground premises;

"compulsory school age" has the meaning assigned to it by Article 46 of the Education and Libraries (Northern Ireland) Order 1986(**l**);

"the Department" means the Department of Agriculture;

"enclosed" in relation to a safety cab, means enclosed and secured in such a manner as to prevent a person who drives the tractor to which such safety cab is affixed from falling from that tractor in normal circumstances;

"manufacturer" includes a person who is authorised by a manufacturer to represent him;

(**a**) O.J. No. L220, 29.8.77, p. 1
(**b**) O.J. No. L192, 11.7.87, p. 43
(**c**) O.J. No. L398, 30.12.89, p. 26
(**d**) O.J. No. L179, 17.7.79, p. 1
(**e**) O.J. No. L386, 31.12.82, p. 31
(**f**) O.J. No. L200, 26.7.88, p. 32
(**g**) O.J. No. L186, 8.7.86, p. 26
(**h**) O.J. No. L398, 30.12.89, p. 29
(**i**) O.J. No. L220, 8.8.87, p. 1
(**j**) O.J. No. L398, 30.12.89, p. 27
(**k**) O.J. No. L105, 28.4.77, p. 1
(**l**) S.I. 1986/594 (N.I. 3); Article 46 was substituted by Article 156 of the Education Reform (Northern Ireland) Order 1989, S.I. 1989/2406 (N.I. 20)

"marked" means marked in the manner described in Part II of the Schedule;

"new" means not previously supplied to any person for use by him in agriculture;

"safety cab" means a rigid framework or cab designed to protect the driver of a tractor to which it is fitted from being crushed if the tractor overturns, and includes a safety frame;

"supplementary marks" means the marks described in paragraph 2 of Part I of the Schedule;

"tractor" means a wheeled tractor weighing 560 kilograms or more when assembled in the lightest form commercially available, without water, fuel or lubricating oil, but does not include a half-tracked vehicle or a steam traction engine.

(2) For the purposes of these Regulations a tractor or a safety cab which is made the subject of a contract for hire purchase shall be deemed to be sold and not let on hire or leased.

(3) A tractor is properly fitted with a safety cab for the purposes of these Regulations if the safety cab is—

(*a*) so maintained and so fitted to the tractor as to afford the protection (including protection from noise) for which it is designed, and

(*b*) equipped with an efficient automatic wiper for any windscreen it may have.

Meaning of "work" and "at work"

3. For the purposes of these Regulations and Parts I and II of the Health and Safety at Work (Northern Ireland) Order 1978 the meaning of the word "work" shall be extended to include the driving of a tractor in the course of agricultural operations or while it is travelling to or from the site of such operations and the meaning of "at work" shall be extended accordingly.

Approved safety cabs

4.—(1) Subject to the following provisions of this regulation, the Department may approve a safety cab of any model for use with a tractor of any description by issuing a certificate of approval to the manufacturer of the safety cab approving the use of safety cabs of that model when fitted to tractors of that description.

(2) Before issuing a certificate of approval the Department shall be satisfied that safety cabs of the model to which it relates would be capable of satisfying the requirements relating to protective cabs set out in Council Directive 77/536/EEC (as amended by Council Directive 87/354/EEC and 89/680/EEC), Council Directive 79/622/EEC (as amended by Council Directive 87/354/EEC and as adapted to technical progress by Commission Directives 82/953/EEC and 88/413/EEC), Council Directive 86/298/EEC (as amended by Council Directive 89/682/EEC), or Council Directive 87/402/EEC (as amended by Council Directive 89/681/EEC), when fitted to tractors of descriptions specified in the certificate.

(3) In the case of a certificate of approval issued on or after 1st February 1994 the Department shall further be satisfied, before issuing the certificate, that the noise levels inside safety cabs of the model to which it relates, when fitted to tractors of descriptions specified in the certificate, would be within either of the limits specified in Article 2.1 of Council Directive 77/311/EEC if measured in accordance with the relevant Annex to that Directive.

(4) Where a certificate of approval is issued for any model of safety cab in respect of which the Department has been satisfied as to the matters specified in paragraph (3), the fact of the Department's satisfaction as to such matters shall be stated in the certificate.

(5) While a safety cab is fitted to a tractor which is or has been new on or after 1st February 1994 or where a safety cab itself is, or has been new on or after 1st February 1994 (and in either case a certificate of approval in respect of that safety cab has not been issued before 1st February 1994), it shall not be an approved safety cab for the purpose of these Regulations unless the Department has been satisfied as to the matters specified in paragraph (3) in relation to safety cabs of that model, and the fact is stated in the certificate of approval.

(6) A certificate of approval may prescribe specifications for the construction of safety cabs of the model to which it relates, and unless a safety cab is constructed in accordance with any specifications so prescribed it shall not be a safety cab of that model.

(7) Such specifications may be prescribed by reference to documents other than the certificate of approval, by reference to specimens of safety cabs or materials, and in any other manner.

(8) An approved safety cab shall cease to be approved if it is materially changed as a result of damage, alteration, neglect or any other cause.

(9) The Department may at any time by notice in writing to the manufacturer, given not less than one month before it is due to take effect, amend or revoke a certificate of approval.

(10) It shall be a condition of every certificate of approval that the manufacturer to whom it is issued—

(*a*) shall cause every safety cab approved under the certificate to be marked with the correct approval mark and supplementary marks before it is sold, leased or let on hire; and

(*b*) shall on request, at any reasonable time before sale, whether during or after manufacture,

(i) make available for inspection by or on behalf of the Department any safety cab manufactured by him;

(ii) submit to such tests as the Department may require any safety cab which purports to be or is intended to be approved under the certificate.

(11) The Department shall not require a safety cab to be tested under paragraph (10) unless in its opinion there is reason to believe either that the safety cab is not a safety cab of the model to which the certificate relates or that it is not capable of satisfying the construction and testing requirements of

Council Directive 77/536/EEC (as amended by Council Directive 87/354/EEC and 89/680/EEC), Council Directive 79/622/EEC (as amended by Council Directive 87/354/EEC and as adapted to technical progress by Commission Directives 82/953/EEC and 88/413/EEC), Council Directive 86/298/EEC (as amended by Council Directive 89/682/EEC), or Council Directive 87/402/EEC (as amended by Council Directive 89/681/EEC).

(12) Where a manufacturer fails to comply with a condition of a certificate imposed on him by paragraph (10), the Department may by notice given to him in writing revoke the certificate forthwith.

(13) Amendment or revocation of a certificate of approval shall not affect any approved safety cab sold before the amendment or revocation takes effect.

(14) A safety cab which has been approved and marked in accordance with a certificate issued to a manufacturer by the Health and Safety Executive in Great Britain shall be deemed to be properly approved and marked for use in agriculture in Northern Ireland.

(15) Without prejudice to sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954(**a**) any certificate of approval issued under the Agriculture (Tractor Cabs) Regulations (Northern Ireland) 1981(**b**) and which is in force immediately before the coming into operation of these Regulations shall be deemed to have been issued under paragraph (1) and nothing in paragraphs (2), (3), (5) and (11) shall affect the validity of any such certificate.

Supply of tractors and safety cabs

5.—(1) A person shall not—

(*a*) supply a new tractor to a person for use by him in agriculture in Northern Ireland unless that tractor is properly fitted with a safety cab which is—

(i) approved for use with that tractor;

(ii) marked with the appropriate approval mark; and

(iii) marked with supplementary marks which relate to that approval mark and which include the name of the make, and the name or number of the model, of that tractor;

(*b*) supply a new safety cab for use in agriculture in Northern Ireland unless it is—

(i) approved; and

(ii) marked with the appropriate approval mark and supplementary marks;

(*c*) let on hire or lease a tractor for use in agriculture in Northern Ireland unless it is properly fitted with a safety cab marked with the appropriate approval mark.

(**a**) 1954 c. 33 (N.I.)
(**b**) S.R. 1981 No. 5 as amended by S.R. 1987 No. 376