1989 No. 414

HEALTH AND SAFETY

AGRICULTURE

Agriculture (Stationary Machinery) Regulations (Northern Ireland) 1989

Made . . . . . *23rd October 1989*

Coming into operation—

for the purposes of regulation 4(1)(b) and (2) and paragraph 10 of Part II of the Schedule — *11th December 1990*

for all other purposes — *11th December 1989*

The Department of Agriculture being the Department concerned(**a**), in exercise of the powers conferred by Article 17(1), (2), (4) and (5) of and paragraphs 1(1), (2) and (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 (Stationary Machinery) Regulations (Northern Ireland) 1989 and shall come into operation for the purposes of regulation 4(1)(*b*) and (2) and paragraph 10 of Part II of the Schedule on 11th December 1990 and for all other purposes on 11th December 1989.

Interpretation

2. 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;

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

(**a**) *See* S.I. 1978/1039 (N.I. 9) Art. 2(2)
(**b**) S.I. 1978/1039 (N.I. 9)
(**c**) S.I. 1986/594 (N.I. 3)

"the Department" means the Department of Agriculture;

"employee" means an individual who works under a contract of employment in agriculture;

"the Order" means the Health and Safety at Work (Northern Ireland) Order 1978;

"prime mover" means any engine, motor, turbine or other source of motion used to power a machine whether or not it is designed for stationary use only;

"stationary machine" means any machine (together with any transmission machinery used therewith) designed or adapted for stationary use only, and includes any prime mover which is so designed or adapted;

Obligations affecting employers and employees

3. Subject to the provisions of these Regulations —

(*a*) an employer shall not cause or permit an employee, in the course of his employment, to work at a stationary machine unless the requirements contained in Part II of the Schedule (requirements applicable to employers, installers and suppliers) are complied with;

(*b*) every employee who, in the course of his employment, works at a stationary machine shall comply with the requirements contained in Part III of the Schedule (requirements applicable to employees).

Installation and supply of stationary machinery

4.—(1) A person shall not —

(*a*) install or cause or permit to be installed for use in agriculture in Northern Ireland, a stationary machine unless the requirements contained in paragraphs 1 and 3 to 7 of Part II of the Schedule are complied with;

(*b*) supply for use in agriculture in Northern Ireland, a stationary machine unless the requirements contained in paragraph 10 of Part II of the Schedule are complied with.

(2) Where a person ("the ostensible supplier") supplies a stationary machine for use in agriculture in Northern Ireland to another ("the customer") under a hire-purchase agreement, conditional sale agreement or credit-sale agreement and the ostensible supplier —

(*a*) carries on the business of financing the acquisition of goods by others by means of such agreements; and

(*b*) in the course of that business acquired his interest in the stationary machine supplied to the customer as a means of financing its acquisition by the customer from a third person ("the effective supplier"),

the effective supplier and not the ostensible supplier shall be treated for the purposes of this regulation as supplying the stationary machine to the customer, and any duty imposed by this regulation on suppliers shall accordingly fall on the effective supplier and not on the ostensible supplier.

Certificates of exemption

5. Notwithstanding anything in these Regulations, the Department may grant certificates exempting (for such periods as may be specified therein and subject to such conditions, if any, as may be so specified) particular cases or particular persons from the operation of the provisions of these Regulations; and where any such conditions are imposed, an employer, an employee, an installer and a supplier to whom any such certificate applies, shall comply with those conditions.

Sealed with the Official Seal of the Department of Agriculture on 23rd October 1989.

(L.S.) *I. C. Henderson*
Assistant Secretary

SCHEDULE

PART I

Interpretation

1.—(1) In this Schedule —

"belt" includes any flexible material used to transmit power from one pulley to another;

"power take-off" means the splined shaft, with or without a spline adaptor, of any tractor intended for transmitting power to any machine by means of the power take-off shaft of that machine;

"primary driving belt" means a belt for transmitting power from the driving pulley of a prime mover to any stationary machine (other than a prime mover);

"run-on point" means the on-running point of contact of a belt with a pulley, or of a chain with a sprocket;

"shafting" means a shaft or system of shafts (including any couplings and clutches) used for transmitting power.

(2) References in this Schedule to an employee coming in contact with any part of a stationary machine, or prime mover that is not a stationary machine, shall be construed as references to his coming in contact therewith, either directly or by means of his clothes.

PART II regulations 1, 3(*a*) and 4(1)

Requirements applicable to employers, installers and suppliers

Components of stationary machinery

1.—(1) Subject to the provisions of this paragraph, every component of a stationary machine, being a component to which this paragraph applies, shall be so situated or so guarded as to protect an employee from coming in contact with such component.

(2) Without prejudice to the generality of sub-paragraph (1) a component to which this paragraph applies, and any part of such a component, shall be deemed to be so situated as aforesaid if it is more than 2 metres from every floor, platform, staircase, fixed ladder or other place to which an employee has access in the course of his employment.

(3) The components of a stationary machine to which this paragraph applies are any shafting, pulley, flywheel, gearing, sprocket, chain, belt, or, as respects any fan, (in addition to any of the foregoing components) any wing or blade thereof.

(4) This paragraph shall not apply to a shaft to which the Agriculture (Power Take-off) Regulations (Northern Ireland) 1988(**a**) apply, and shall only apply to a primary driving belt if the prime mover and the stationary machine which it drives by means of such belt are both permanently fixed installations.

(5) Nothing in this paragraph shall require the guarding, elsewhere than at the run-on points, of any chain or belt moving at less than 0.15 metres per second, or of any conveyor chain or belt for the movement of materials.

(a) S.R. 1988 No. 219