1989 No. 413

HEALTH AND SAFETY

AGRICULTURE

Agriculture (Circular Saws) Regulations (Northern Ireland) 1989

Made	*23rd October 1989*
Coming into operation—	
for the purposes of paragraph 3 of Part I 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), 13 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 (Circular Saws) Regulations (Northern Ireland) 1989 and shall come into operation for the purposes of paragraph 3 of Part I 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;

"circular saw" means a machine intended for sawing wood by means of a circular blade or other moving device incorporating cutting elements or to which cutting elements are attached and which is held in a fixed or portable bench or frame, but does not include a swing or other saw which is operated by movement towards the wood;

"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.

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 operate or assist at a circular saw unless the requirements contained in Part I of the Schedule (requirements applicable to employers and suppliers) are complied with;

(*b*) an employee who, in the course of his employment, operates a circular saw shall comply with the requirements contained in Part II of the Schedule (requirements applicable to employees);

(*c*) an employer shall not cause or permit an employee, in the course of his employment, to operate, and an employee shall not operate, a circular saw unless the requirements contained in Part III of the Schedule (requirements applicable to employers and employees) are complied with; and

(*d*) an employee shall comply with the requirements contained in Part IV of the Schedule (other provisions applicable to employers and employees) and his employer shall not cause or permit him to contravene any such requirement.

Supply of circular saws

4.—(1) Subject to paragraph (2), a person shall not supply for use in agriculture in Northern Ireland, a circular saw unless the requirements contained in paragraphs 1 and 3 to 9 of Part I of the Schedule are complied with.

(2) Where a person ("the ostensible supplier") supplies a circular saw 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 circular saw 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 circular saw 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 and 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 regulations 1, 3(*a*) and 4(1)

Requirements applicable to employers and suppliers

Construction and maintenance

1. Every circular saw shall be substantially constructed and properly maintained.

Lighting

2. At every circular saw there shall be adequate natural or artificial light.

Warning sign

3.—(1) Every circular saw which, on or after 11th December 1990, is first supplied for use in agriculture shall carry a sign warning persons of the danger of the moving blade.

(2) The sign mentioned in sub-paragraph (1) shall be clearly visible and shall conform to the specification for such sign given in British Standard Specification No. BS 5378: Part I: 1980(**a**) (as revised or re-issued from time to time) or be in the form of a notice containing text alone.

Saw blades

4. The saw blade shall not —

(*a*) be cracked;

(*b*) have been repaired by brazing or welding;

(*c*) have two or more teeth missing; and

the teeth of the saw blade, while in motion, shall not come in contact with the bench table, whether by reason of warping, misalignment or otherwise.

Riving knives

5.—(1) In a direct line behind the saw blade, and in the same vertical plane there shall be a metal riving knife having a smooth surface. The knife shall be strong and rigid, its front edge extending upward and forward, and shall also conform with the following conditions, that is to say —

(*a*) the distance between the front edge of the knife and the teeth of the saw blade shall not exceed 12 millimetres at the level of the top surface of the bench table;

(*b*) the knife shall extend upward from the bench table for a distance of not less than half and not more than the full height of the saw blade above the bench table.

(2) This paragraph shall not apply to a circular saw the circular blade of which does not exceed 300 millimetres in diameter.

Top guards

6.—(1) The cutting edge of the saw blade above the bench table shall be guarded by a guard which shall —

(*a*) be rigid and substantially constructed, not less than 25 millimetres wide measured horizontally, and as close to the edge of the saw blade as is practicable in the circumstances of use; and

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(**a**) BS 5378: 1980. Safety signs and colours. Specification for colour and design. Published by British Standards Institution, 2 Park Street, London W1A 2BS