1989 No. 309

HEALTH AND SAFETY

AGRICULTURE

Agriculture (Safeguarding of Workplaces) Regulations (Northern Ireland) 1989

Made . . . . . *31st July 1989*

Coming into operation . . *18th September 1989*

The Department of Agriculture being the Department concerned(**a**), in exercise of the powers conferred on it by Article 17(1), (2), (4) and (5) of and paragraphs 1(1), 1(2), 1(3), 8, 14(1) and 17 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 (Safeguarding of Workplaces) Regulations (Northern Ireland) 1989 and shall come into operation on 18th September 1989.

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;

"agricultural unit" means land occupied as a unit for agricultural purposes;

"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;

(2) Expressions used in Parts II and III of the Schedule of which there are definitions in Part I thereof have the meanings thereby assigned to them.

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

Obligations applicable to employers, occupiers and employees

3.—(1) Subject to the provisions of these Regulations—

(*a*) the employer of an employee who works on an agricultural unit of which the employer is the occupier, and

(*b*) the occupier of an agricultural unit on which an employee is employed to work by an employer other than the occupier of that unit,

shall not cause or permit an employee, in the course of his employment, to work at or to use any place on that unit unless the requirements applicable to such a place contained in Part II of the Schedule (requirements applicable to employers and occupiers) are complied with.

(2) Every employee who works on an agricultural unit shall comply with the requirements contained in Part III of the Schedule (requirements applicable to employees).

(3) This regulation shall not apply in respect of an employee while working on the construction, alteration or maintenance of a building on an agricultural unit.

Certificates of exemption

4. 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 and an employee, to whom any such certificate applies shall comply with those conditions.

Sealed with the Official Seal of the Department of Agriculture on 31st July 1989.

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

SCHEDULE

PART I Regulation 2(2)

Interpretation

In this Schedule—

"cover" includes a grid which affords an employee no less protection against falling than would be afforded by a cover other than a grid;

"floor" means any structural surface within a building, or forming part of a building, on which an employee has to work, or over or across which he has to pass in connection with his work, but does not include any part of a stairway;

"stairway" means a permanent staircase or a permanently fixed ladder being a staircase or ladder which is either within a building or gives access to a building or to part of a building;

"step" means, in relation to any stairway, any tread or rung thereof; and

"stile" means the side-rail of a ladder into which the steps are fitted.

PART II Regulation 3(1)

Requirements applicable to employers (or, in certain cases, to occupiers)

General

1. Every stairway and every floor shall be as safe as is reasonably practicable for the purposes for which it is used.

Construction and maintenance of stairways

2.—(1) A step of a stairway shall not depend for its support on being secured solely by nails, screws or other similar fixing.

(2) Nothing in sub-paragraph (1) shall prevent the steps of a stairway from being supported by brackets or bearers which are secured in such a manner.

(3) A stairway shall not have any step missing or any defect likely to weaken the stairway which reasonable examination would disclose.

Handrails for certain stairways

3.—(1) Subject to the provisions of this paragraph, every stairway shall be fitted with a handrail—

(*a*) on the open side of the stairway;

(*b*) on each side of the stairway where it has two open sides; or

(*c*) on either side of the stairway where it has no open sides.

(2) Every handrail fitted in accordance with the provisions of this paragraph—

(*a*) shall be of wood, metal or other suitable material, and shall be smooth and rigid;

(*b*) shall be of adequate strength and shall be securely fixed in position; and

(*c*) shall extend the whole length of the stairway except where the handrail would obstruct access to the stairway.

(3) This paragraph shall not apply to a stairway—

(*a*) which extends less than 920 millimetres measured vertically from the ground, or floor level, on which the bottom of the stairway rests; or

(*b*) to which paragraph 4 applies.