1985 No. 11

HEALTH AND SAFETY

AGRICULTURE

Agriculture (Field Machinery) Regulations (Northern Ireland) 1985

Made	*28th January 1985*
Coming into operation . . .	
Paragraphs 13 and 14 of Part II of the Schedule	*1st March 1986*
All other provisions	*1st March 1985*

The Department of Agriculture, in exercise of the powers conferred on it by Article 17(1), (2), (4) and (5) of and paragraphs 1(1)(*a*) and 1(2) of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(**a**) and of every other power enabling it in that behalf, after consultation 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 (Field Machinery) Regulations (Northern Ireland) 1985 and shall come into operation on 1st March 1985 with the exception of the provisions in paragraphs 13 and 14 of Part II of the Schedule which shall come into operation on 1st March 1986.

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 a person who works under a contract of employment in agriculture, and "employer" and "employed" shall have corresponding meanings;

"field machine" means any machine designed or adapted for use in agriculture other that a machine so designed or adapted for stationary use only, and includes a power driven hand tool and (subject to paragraphs 7 and 9 of Part II of the Schedule) a towed agricultural vehicle, but does not include a self-propelled road vehicle which is designed primarily for the carriage of persons or of loads, or an aircraft;

"new" means not previously sold to a purchaser for use by him in agriculture;

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

(a) S.I. 1978/1039 (N.I. 9)

(2) For the purposes of these regulations an employee works at a field machine if—

(*a*) he drives, operates or assists in the operation of the field machine; or

(*b*) he is present at the site where the field machine, or any other machine operated in conjuction with such field machine, is being used and performs any task which is incidental to such use.

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

Obligations affecting employers, employees and others

3.—(1) Subject to the provisions of paragraph (2) and of these regulations—

(*a*) an employer shall not permit an employee to work at a field machine unless the requirements contained in Part II of the Schedule (Requirements applicable to Employers) are complied with;

(*b*) every employee shall comply with the requirements contained in Part III of the Schedule (Requirements as respects which both Employers and Employees are responsible), and his employer shall not cause or permit him to contravene any such requirement;

(*c*) an employee who, in the course of his employment, works at a field machine shall comply with the requirements contained in Part IV of the Schedule (Requirements applicable to Employees); and

(*d*) every employer, employee and any other person shall comply with the requirements contained in Part V of the Schedule (Requirements applicable to Employers, Employees and others).

(2) Paragraph 1(*d*) shall apply to a person other than an employer or employee only insofar as contravention by such a person of any of the requirements contained in Part V of the Schedule would expose a person at work to risk of injury.

(3) Where an employee works at a field machine elsewhere than on an agricultural unit of which his employer is the occupier, the employee shall, while so working, be deemed for the purposes of these regulations to be in the employment of the occupier of the agricultural unit on which the field machine is being used, except in cases where paragraph (4) applies where the employee shall be deemed to be in the employment of the agricultural contractor to whom the field machine belongs.

(4) Where an employee works at a field machine belonging to an agricultural contractor, the employee shall, while so working, be deemed for the purposes of these regulations to be in the employment of the agricultural contractor.

(5) For the purposes of these regulations a field machine belongs to an agricultural contractor if he is the owner thereof, or if he has hired or borrowed it from the owner.

(6) Where by virtue of paragraph (3) or (4) any person is deemed to be the employer of an employee, paragraph (1) in its application to employers, shall not apply to any person other than the person so deemed as aforesaid.

Supply of field machinery

4.—(1) Subject to paragraph (2) a person shall not supply for use in agriculture in Northern Ireland, a field machine which does not comply with the requirements contained in Part II of the Schedule.

(2) Where a person (''the ostensible supplier'') supplies a field 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 field 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 field 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 (including any person deemed by these regulations to be 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 28th January 1985.

(L.S.) *R. E. Aiken*
Assistant Secretary

SCHEDULE

PART I Regulation 2(3)

Interpretation

1.—(1) In this Schedule—

"ground wheel" means, in relation to a field machine, any wheel thereof which revolves in contact with the ground;

"hay making machine" means a machine designed for the treatment or movement of a previously cut crop;

"manual" means by hand, foot or other bodily means;

"pedestrian controlled", in relation to a field machine, means a field machine which can be operated only by a person on foot;

"power driven" means driven by any form of power other than that derived from a ground wheel;

"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;

"prime mover" means every engine, motor, or other appliance which provides mechanical energy to a field machine;

"pulley" includes a roller on which a belt is carried;

"safety device" means anything required under this Schedule to be provided for an employee's safety;

"tipping trailer" means a towed agricultural vehicle which can be unloaded by means of a mechanism which alters the angle of the load carrying surface;

"towed agricultural vehicle" means an agricultural trailer, the main purpose of which is to carry agricultural produce, or any vehicle with a maximum weight exceeding twice its unladen weight which is towed by an agricultural tractor, but excluding a land implement conveyor.

(2) References in this Schedule to an employee operating a field machine include references to an employee assisting in the operation thereof, and references to an employee (or to any part of an employee) coming in contact with any part of a field machine shall be construed as references to his coming in contact therewith, either directly or by means of his clothes.

PART II Regulation 3(1)(*a*)

Requirements applicable to Employers

Components of field machines

1.—(1) Every component of a field machine, being a component to which this paragraph applies, shall—

(*a*) if the component is driven by any ground wheel of the machine, be so situated or so guarded that any employee who operates the machine, while in the normal operating position applicable to such employee, is protected from coming in contact with such component;

(*b*) if the component is power driven, be so situated or so guarded that any employee, working at the machine, is protected from coming in contact with such component.

(2) Subject to the provisions of sub-paragraphs (3) to (5), the components to which this paragraph applies are—

(*a*) in the case of every field machine, any shafting, pulley, flywheel, gearing, sprocket, belt, chain, or as respects any fan, (in addition to any of the foregoing components) any wing or blade thereof; and

(*b*) in the case of a field machine designed to perform a function by means of reciprocal action, (in addition to the components mentioned in head (*a*)) the reciprocating parts of such a machine if they are so situated in relation to any other part of the machine as to expose the employee to risk of injury.

(3) This paragraph shall not apply to—

(*a*) so much of any such component as functions in contact with the soil;

(*b*) any axle of a ground wheel, or any component forming part of the track gear of a track laying tractor;

(*c*) any smooth pulley or smooth flywheel;

(*d*) any reciprocating knife; or

(*e*) any shaft to which the Agriculture (Power Take-off) Regulations (Northern Ireland) 1981(**a**) apply.

(4) As respects a belt or chain (other than a conveyor belt or chain for the movement of materials) it shall be sufficient compliance with this paragraph, so far as the requirements thereof are met by guarding, if the belt or chain is guarded at its run-on points and, in the case of a field machine designed for operation by an employee while on the machine, at every place where such an employee would (but for this provision) be exposed to risk of injury by such belt or chain; but this modification of requirements shall not apply where a belt or chain has fastenings which expose an employee to risk of injury.

(5) As respects a conveyor belt or chain for the movement of materials it shall be sufficient compliance with this paragraph, so far as the requirements thereof are met by guarding, if the belt or chain is guarded at its run-on points; but, if an employee is required to handle anything on such a belt or chain, or to work so close to it as to be exposed to risk of injury, the requirements of this paragraph shall be met only if the side of the belt or chain is so guarded, at every place where an employee is required to handle anything on the belt or chain, that the employee is protected from coming in contact with such side.

(6) In this paragraph "belt" includes any flexible material used to transmit power from one pulley to another; "chain" means any chain composed of links of metal or other non-flexible material used to transmit power from one sprocket to another; "run-on point" means the on-running point of contact of a belt with a pulley, or of a chain with a sprocket; and "smooth pulley" and "smooth flywheel" mean respectively a pulley or flywheel which has a continuous, unbroken and smooth surface between the centre and the rim, and has no protuberance which exposes an employee to risk of injury.

(7) The mention of particular guarding requirements in paragaphs 2 and 3 shall be without prejudice to the application of this paragraph to any field machine to which either of those paragraphs applies.

Guarding of operative parts of certain field machines

2.—(1) This paragraph applies to any power driven field machine which has rotating knives, tines, flails, or other parts similar thereto (in this paragraph referred to as the "operative parts") operating in or near the ground but shall not apply to—

(*a*) a cylinder mower, hay making machine, hedge cutter other than the flail type, root gapper or thinner, or to

(*b*) any pedestrian controlled field machine whose operative parts rotate in a vertical or near vertical plane.

(2) Every field machine to which this paragraph applies shall be fitted with a guard which—

(*a*) covers the operative parts of the machine being as near to such parts as practicable; and

(*b*) fulfils the other conditions respectively applicable to such a machine set forth in sub-paragraphs (3) and (4).

(3) Where the operative parts of the field machine rotate in a vertical or near vertical plane the said guard shall cover each end of the rotating assembly as well as the top thereof, and shall extend downwards so as to be as near the ground as practicable.

(4) Where the operative parts of the field machine rotate in a horizontal or near horizontal plane the said guard shall, unless it extends downwards below the plane of the rotating assembly so as to be as near the ground as practicable, extend at least 300 millimetres beyond the periphery of such parts; and every mowing machine fitted with high speed rotating blades shall in addition be fitted with a rigid or flexible skirt forward of the tip of the rotating member or members and extending downwards to as near ground level as is practicable.

(**a**) S.R. 1981 No. 244