1981 No. 5

HEALTH AND SAFETY

AGRICULTURE

Agriculture (Tractor Cabs) Regulations (Northern Ireland) 1981

Made . . . . . 8th January 1981

Coming into operation . . . 16th February 1981

The Department of Agriculture, in exercise of the powers conferred on it by Articles 17(2) and 46(1) of and paragraph 1(1)(*a*) and (*c*), (2) and (3) 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 it 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) 1981 and shall come into operation on 16th February 1981 with the exception of Regulation 6(5) which shall come into operation on 1st April 1985.

Interpretation and application

2.—(1) In these regulations—

"adequate", in relation to a hearing protector, means that the device is capable of reducing the level of noise heard by the wearer to not more then 90 dBA if tested in accordance with British Standard Specification No. BS 5108: 1974(**b**);

"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 either of the marks incorporating a crown inside a triangle which are illustrated in paragraph 1 of Part I of the Schedule;

"approved", in relation to a safety cab, means approved in accordance with the provisions of regulation 3 for use with a tractor;

"building" includes any underground premises;

"enclosed", in relation to a safety cab, means a roll-over protection structure which is 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;

"hearing protector" means a device worn to reduce the level of noise heard by the wearer;

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

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

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

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

(b) British Standard Method of measurement of attenuation of hearing protectors at threshold: published by the British Standards Institution, 2 Park Street, London W1A 2BS.

"safety cab" means a framework or cab either of which is of rigid construction and is designed so as to protect the driver of a tractor to which it is fitted from being crushed if that tractor should overturn, 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 550 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;

"worker" means a person employed under a contract of service and "employer" and "employed" shall have corresponding meanings.

(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.

(3) For the purposes of these regulations a tractor shall be considered to be properly fitted with a safety cab only 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.

Approved safety cabs

3.—(1) Subject to paragraphs (2) to (13) the Department may by issuing a certificate of approval to the manufacturer of a safety cab approve the use of safety cabs of the model specified in such certificate when such safety cabs are fitted to tractors of a description specified in such certificate.

(2) Before issuing a certificate of approval the Department shall be satisfied that safety cabs of the model to which such certificate relates when fitted to tractors of the description specified in the certificate would be capable of satisfying the requirements relating to protective cabs set out in British Standard Specification No. BS 4063: 1973(a).

(3) In the case of a certificate of approval issued in respect of a safety cab to be marked with the approval mark set out in paragraph 1(1) of Part I of the Schedule, before issuing the certificate the Department shall further be satisfied 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 not be more than 90 dBA if tested in accordance with the British Standard Specification referred to in paragraph (2).

(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) A certificate of approval may prescribe specifications for the construction of safety cabs of the model to which such certificate 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.

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

(a) British Standard Specification for the requirements and testing of protective cabs and frames for agricultural wheeled tractors; published by the British Standards Institution, 2 Park Street, London W1A 2BS.

(7) 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.

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

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

(*a*) shall cause every safety cab approved under the certificate to be marked with the appropriate approval mark and supplementary marks before such safety cab is sold 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 for which the manufacturer has been issued with a certificate of approval;

(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.

(10) The Department shall not require a safety cab to be tested under paragraph (9) unless in the opinion of the Department 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 British Standard Specification referred to in paragraph (2).

(11) Where a manufacturer fails to comply with a condition imposed by paragraph (9) the Department may by notice given to him in writing revoke forthwith the certificate of approval.

(12) The amendment or revocation of a certificate of approval shall not apply to or affect an approved safety cab which has been sold before the amendment or revocation takes effect.

(13) 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.

Type approved safety cabs

4.—(1) This regulation applies to any safety cab which—

(*a*) has received type approval in accordance with Council Directive No. 77/311(**a**) issued by the Council of the European Communities on 29th March 1977 (which relates to the approximation of the laws of the Member States relating to the driver-perceived noise level of wheeled agricultural or forestry tractors);

(*b*) is marked with a component type approval mark in accordance with Council Directive No. 77/536(**b**) issued by the Council of the European Communities on 28th June 1977 (which relates to the approximation of the laws of the Member States relating to the roll-over protection structures of certain wheeled agricultural or forestry tractors).

(2) In the case of a safety cab to which—

(*a*) paragraph (1)(*a*) applies, then nothing in regulation 3(3) shall prevent the Department from issuing a certificate of approval;

(**a**) OJ No. L105 (28.4.77) p. 1 (**b**) OJ No. L220 (29.8.77) p. 1

(*b*) paragraph (1)(*b*) applies, then the Department shall not refuse to issue a certificate of approval on grounds relating to the structural strength of the roll-over protection structure; or

(*c*) both paragraphs apply, then for the purpose of these regulations that safety cab shall be deemed to be approved and marked with the appropriate approval mark and supplementary marks.

Sale and hire of tractors and safety cabs

5. A person shall not—

(*a*) sell or let on hire 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*) sell or let on hire a new safety cab for use in agriculture in Northern Ireland unless that safety cab is—

(i) approved, and

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

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

Obligations on employers, workers and others

6.—(1) The employer of a worker employed in agriculture shall ensure—

(*a*) that every tractor driven by that worker in the course of his employment is properly fitted with a safety cab marked with the appropriate approval mark;

(*b*) so far as it is reasonably practicable for him to do so, that every safety cab fitted to a tractor so driven by that worker is approved for use with that tractor; and

(*c*) that there is available in each safety cab whose noise levels exceed 90 dBA when tested in accordance with British Standard Specification No. BS 4063: 1973 a set of adequate hearing protectors for the use of a worker while he drives that tractor.

(2) A worker employed in agriculture shall not drive a tractor in the course of his employment, and a person shall not cause or permit him to do so, unless that tractor is properly fitted with a safety cab marked with the appropriate approval mark.

(3) A worker employed in agriculture shall not drive a tractor in the course of his employment if that tractor is fitted with a safety cab which he knows is not approved for use with that tractor, and a person shall not cause or permit such a worker to drive a tractor in the course of his employment if that tractor is fitted with a safety cab which that person knows is not approved for use with that tractor.

(4) A person who has attained the age of thirteen years but has not attained the age of sixteen years shall not drive a tractor in the course of agricultural operations or in going to or from the site of such operations, and a person shall not cause or permit him to do so, unless the tractor is properly fitted with an enclosed approved safety cab.