1978 No. 33

AGRICULTURAL EMPLOYMENT SAFETY, HEALTH AND WELFARE

The Agriculture (Tractor Cabs) Regulations (Northern Ireland) 1978

Made . . . . . *2nd February* 1978

Coming into operation . . . *1st April* 1978

The Department(a) of Agriculture, in exercise of the powers conferred on it by section 1 of the Agriculture (Safety, Health and Welfare Provisions) Act (Northern Ireland) 1959(b) and of all other powers enabling it in that behalf, and after consultation with such organisations as appear to it to represent the interests concerned, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Agriculture (Tractor Cabs) Regulations (Northern Ireland) 1978 and shall come into operation on 1st April 1978.

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 than 90 dBA if tested in accordance with British Standard Specification No. BS 5108: 1974(c);

"approval mark" means either of the marks, incorporating a crown inside a triangle, illustrated in paragraph 1 of Part I of the Schedule;

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

"building" includes any underground premises;

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

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

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

"safety cab" means a rigid framework or cab designed to protect the driver of a tractor to which it is fitted from being crushed if the tractor overturns, and includes a safety frame;

"supplementary marks" means the marks described in paragraph 2 of Part I of the Schedule;

(a) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para 8(1)
(b) 1959 c. 24 (N.I.)
(c) British Standard Method of measurement of attenuation of hearing protectors at threshold: published by the British Standards Institution, 2 Park Street, London W1A 2BS.

"tractor" means a wheeled tractor weighing 559 kilograms (11 cwt.) 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.

(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) A tractor is properly fitted with a safety cab for the purposes of these regulations 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.

(4) Where the first sale, letting on hire or loan of a tractor for use in agriculture by the purchaser, hirer or borrower, as the case may be, occurred before 1st September 1970, regulations 4(*c*) and 5 shall not apply to that tractor until 1st January 1980.

Approved safety cabs

3.—(1) Subject to the following provisions of this regulation the Department may approve a safety cab of any model for use with a tractor of any description by issuing a certificate of approval to the manufacturer of the safety cab approving the use of safety cabs of that model when fitted to tractors of that description.

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

(3) In the case of a certificate of approval issued in respect of a safety cab to be marked with the approval mark at 1(1) of Part I of the Schedule, the Department shall further be satisfied, before issuing the certificate, 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 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 it 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, by reference to specimens of safety cabs or materials, and in any other manner.

(**d**) 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 it 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 it is issued—

(*a*) shall cause every safety cab approved under the certificate to be marked with the appropriate approval mark and supplementary marks before it 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 manufactured by him;

(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 its opinion 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 of a certificate imposed on him by paragraph (9), the Department may by notice given to him in writing revoke the certificate forthwith.

(12) Amendment or revocation of a certificate of approval shall not affect any approved safety cab sold before the amendment or revocation takes effect.

(13) Any safety cab approved and marked in accordance with a certificate issued to a manufacturer by the Minister of Agriculture, Fisheries and Food and the Secretary of State under the Agriculture (Tractor Cabs) Regulations 1974(**e**) shall be deemed to be properly approved and marked for use in agriculture in Northern Ireland.

Sale and hire of tractors and safety cabs

4. No person shall—

(*a*) sell a new tractor, or let it on hire, to a person for use by him in agriculture in Northern Ireland unless it 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 a new safety cab, or let it on hire, for use in agriculture in Northern Ireland unless it is—

(i) approved, and

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

(**e**) S.I. 1974/2034 (1974 III, p. 7863).

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

Obligations on employers, workers and others

5.—(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 driving that tractor.

(2) No worker employed in agriculture shall drive a tractor in the course of his employment, and no person shall cause or permit him to do so, unless it is properly fitted with a safety cab marked with the appropriate approval mark.

(3) No worker employed in agriculture shall drive a tractor in the course of his employment if it is fitted with a safety cab which he knows is not approved for use with that tractor, and no person shall cause or permit such a worker to drive a tractor in the course of his employment if it is fitted with a safety cab which that person knows is not approved for use with that tractor.

(4) Nothing in this regulation shall apply to a tractor—

(*a*) while it is being used for the purpose of carrying out an agricultural operation in an orchard where it is not reasonably practicable to use the tractor for the purpose if it is fitted with a safety cab approved for use with that tractor;

(*b*) while it is being driven to or from an orchard for the purpose of or after being used there without an approved safety cab in compliance with sub-paragraph (*a*);

(*c*) while it is being used inside, or in close proximity to, a building for the purpose of carrying out an agricultural operation involving its use inside that building, where it is not reasonably practicable by reason of the height, shape or construction of the building to use the tractor for the purpose if it is fitted with a safety cab approved for use with that tractor; or

(*d*) while it is being driven to or from any building for the purpose of or after being used there without an approved safety cab in compliance with sub-paragraph (*c*) unless the tractor is at the same time engaged in, or being driven from or to the site of, any agricultural operation for which such a safety cab is required by this regulation.

Obligation on workers to report overturning, damage or loss

6. Every worker employed in agriculture who drives or maintains a tractor fitted with a safety cab marked with the approval mark shall forthwith report to his employer—

(*a*) any occasion when the tractor overturns;

(*b*) any damage caused to the safety cab or to the fittings which secure it to the tractor;