1970. No. 52 [C]

AGRICULTURAL EMPLOYMENT

SAFETY, HEALTH AND WELFARE

Safety Cabs for Agricultural Tractors

REGULATIONS, DATED 18TH MARCH 1970, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTION 1 OF THE AGRICULTURE (SAFETY, HEALTH AND WELFARE PROVISIONS) ACT (NORTHERN IRELAND) 1959.

The Ministry 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(a) and of all other powers enabling it in that behalf 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, which may be cited as the Agriculture (Tractor Cabs) Regulations (Northern Ireland) 1970 shall come into operation as follows:—

(*a*) This Regulation and Regulations 2, 3, 7 and 8 shall come into operation on the date on which they are made.

(*b*) Regulations 4, 5 and 6 shall come into operation on 1st September 1970.

Interpretation

2.—(1) In these Regulations—

"the Act" means the Agriculture (Safety, Health and Welfare Provisions) Act (Northern Ireland) 1959;

"agriculture", "worker", "employer", "employed" and "Ministry" have the meanings respectively assigned to them by Section 18 of the Act;

"approval mark" means the mark, consisting of a crown inside a triangle, illustrated in Paragraph 1 of Part I of the Schedule to these Regulations;

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

"building" includes any underground premises;

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

"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;

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

"supplementary marks" means the marks described in Paragraph 2 of Part I of the Schedule to these Regulations;

(a) 1959. c. 24.

"tractor" means a wheeled tractor weighing 11 cwts. or more when assembled in the lightest form commercially available, without water, fuel or lubricating oil, but does not include a half-tracked vehicle.

(2) For the purpose of these Regulations—

(*a*) a tractor which is made the subject of a contract for hire purchase shall be deemed to be sold and not let on hire;

(*b*) a tractor shall be deemed to be new if it is first used for agricultural purposes in Northern Ireland on or after 1st September 1970.

(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 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 the following provisions of this Regulation, the Ministry 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 Ministry shall be satisfied that safety cabs of the model to which it relates would be capable of satisfying the British Standard Specification No. BS4063: 1966(**b**) or any other specification made from time to time being the British Standard Specification for the Safety Requirements and Testing of Safety Cabs and Safety Frames for Agricultural Wheeled Tractors when fitted to tractors of descriptions specified in the certificate.

(3) 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.

(4) 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.

(5) 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.

(6) The Ministry 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.

(7) 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 approval mark and supplementary marks before it is sold or let on hire; and

---

(**b**) British Standard Specification for the Safety Requirements and Testing of Safety Cabs and Safety Frames for Agricultural Wheeled Tractors; published by the British Standards Institution, 2 Park Street, London, W.1.

(*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 Ministry any safety cab manufactured by him;

(ii) submit to such tests as the Ministry may require any safety cab which purports to be or is intended to be approved under the certificate.

(8) The Ministry shall not require a safety cab to be tested under Paragraph (7) above unless in their 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 specifications referred to in Paragraph (2) above.

(9) Where a manufacturer fails to comply with a condition of a certificate imposed on him by Paragraph (7) above, the Ministry may, by notice given to him in writing, revoke the certificate forthwith.

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

(11) 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 for Scotland 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 approval mark; and

(iii) marked with supplementary marks 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 approval mark and supplementary marks.

Obligations on Employers, Workers and Others

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

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

(*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.

(2) No worker employed in agriculture shall drive a new 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 approval mark.