Determination of questions

27.—(1) Any question arising under the regulations between a sanitary authority and the person by whom or on whose behalf plans are deposited, whether the plans are defective, or whether the proposed work contravenes any of the regulations shall, on the application of that person, be determined by the Ministry.

(2) No such application referred to in paragraph (1) shall be entertained unless it is made before the proposed work has been substantially begun.

Sealed with the Official Seal of the Ministry of Development for Northern Ireland this 12th day of October 1966.

(L.S.) *W. K. Fitzsimmons,*
Minister of Development.

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations prescribe standards for the construction of streets to which section 1(1) of the Private Streets Act (Northern Ireland) 1964 applies; and provide for the observance of the standards.

They replace new street and building byelaws so far as streets dealt with under section 1(1) are concerned.

Provision is made in Part III of the regulations for the standards to be supplemented by detailed requirements to be drawn up by each sanitary authority or in default by the Ministry.

1966. No. 263 [C]

AGRICULTURAL EMPLOYMENT

SAFETY, HEALTH AND WELFARE

Field Machinery

REGULATIONS, DATED 3RD NOVEMBER 1966, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTION 1 OF THE AGRICULTURE (SAFETY, HEALTH AND WELFARE PROVISIONS) ACT (NORTHERN IRELAND) 1959(a).

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, 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:—

(a) 1959. c. 24.

Citation and commencement

1. These regulations, which may be cited as the Agriculture (Field Machinery) Regulations (Northern Ireland) 1966, shall come into operation as follows:—

(*a*) this regulation, and regulations 2 and 5, shall come into operation on the 1st day of December 1966;

(*b*) regulation 3 (in its application to paragraphs 11, 12 and 13 of Part II of schedule 1 and to Parts III, IV and V thereof) shall come into operation on the 1st day of June 1967;

(*c*) regulation 3 (in its application to the remainder of the said Part II) as respects field machines which are new, and paragraph (1) of regulation 4 of these regulations shall come into operation on the 1st day of December 1967;

(*d*) regulation 3 (in its application to the remainder of the said Part II as aforesaid) as respects field machines which are not new, and paragraph (2) of regulation 4 shall, in relation to machines of the several classes mentioned in the first column of schedule 2, come into operation on the dates respectively applicable to each such class shown in the second column of that schedule.

Interpretation

2.—(1) In these regulations—

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

"field machine" has the meaning assigned to it in Part I of schedule 1.

(2) For the purposes of these regulations—

(*a*) a worker works at a field machine if—

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

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

(*b*) a field machine is new if the first sale of it, since its manufacture, to a purchaser for use by him in agriculture occurs on or after the 1st day of December 1967.

(3) Expressions used in Parts II, III, IV and V of schedule 1 of which there are definitions in Part I thereof have the meanings thereby respectively assigned to them.

Obligations affecting employers, workers and others

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

(*a*) the employer of a worker employed in agriculture shall not cause or permit him, in the course of his employment, to work at a field machine unless the requirements contained in Part II of schedule 1, applicable to such worker in respect of such machine, are complied with;

(*b*) every worker employed in agriculture shall comply with the requirements contained in Part III of the said schedule 1, and his employer shall not cause or permit him to contravene any such requirement;

(*c*) a worker employed in agriculture who, in the course of his employment, works at a field machine shall comply with the requirements contained

in Part IV of the said schedule 1 applicable to such worker in respect of such machine; and

(*d*) no person shall contravene any requirement contained in Part V of the said schedule 1:

Provided that subparagraph (*d*) of this paragraph shall apply to persons other than workers only in so far as failure to comply with the requirements of the said Part V would expose a worker to risk of injury.

(2) Where a worker employed in agriculture works at a field machine elsewhere than on an agricultural unit of which his employer is the occupier, the worker 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, or (in cases where paragraph (3) of this regulation applies) of the agricultural contractor to whom the field machine belongs.

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

(4) 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.

(5) Where by virtue of paragraphs (2) or (3) of this regulation any person is deemed to be the employer of a worker employed in agriculture, paragraph (1) of this regulation, in its application to employers, shall not apply to any person other than the person so deemed as aforesaid.

4.—(1) No person shall sell to a purchaser, for use in agriculture in Northern Ireland, any field machine that does not comply with the requirements contained in Part II of schedule 1 to these regulations (other than paragraph 13(1) thereof):

Provided that this paragraph shall not apply in respect of a field machine that has previously been sold to a purchaser for use by him in agriculture.

(2) No person shall let on hire for use in agriculture in Northern Ireland any field machine that does not comply with any of the requirements contained in the said Part II.

(3) For the purposes of this regulation a field machine which is the subject of a hire purchase contract shall be deemed to be sold and not to be let on hire.

Certificates of exemption

5. Notwithstanding anything in these regulations, the Ministry 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, the employer of a worker employed in agriculture (including any person deemed by these regulations to be an employer), and a worker so employed, to whom any such certificate applies, shall comply with those conditions.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this 3rd day of November 1966.

(L.S.) *A. McKelvie,*
Assistant Secretary.

SCHEDULE 1

PART I

Regulation 2(3)

Interpretation

1.—(1) In this schedule the following expressions have the meanings hereby respectively assigned to them, that is to say—

"field machine" means any machine designed or adapted for use in agriculture other than a machine so designed or adapted for stationary use only, and includes a power driven handtool and (subject to paragraphs 8 and 10 of this schedule) a trailer, but does not include a potato spinner, a self-propelled road vehicle which is designed primarily for the carriage of persons or of loads, or an aircraft;

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

"manual" means by hand, foot or other bodily means, and "manually" has a corresponding meaning;

"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;

"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 a worker's safety;

"tipping trailer" means a trailer which can be unloaded by means of a mechanism which alters the angle of the load carrying surface:

"trailer" means a vehicle (whether or not fitted with machinery) designed or adapted to be towed, being a vehicle primarily intended for the carriage of loads.

(2) References in this schedule to a worker operating a field machine include (except where the context otherwise requires) references to a worker assisting in the operation thereof, and references to a worker (or to any part of a worker) 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

2.—(1) Subject to the provisions of this paragraph 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 worker who operates the machine, while in the normal operating position applicable to such worker, is protected from coming in contact with such component;

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

(2) 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 sub-paragraph (*a*) hereof) 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 worker to risk of injury:

Provided that this paragraph shall not apply to—

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

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

(iii) any smooth pulley or smooth flywheel;

(iv) any reciprocating knife; or

(v) any shaft to which the Agriculture (Power Take-off) Regulations (Northern Ireland) 1966(a) apply,

and, as respects belts and chains, shall have effect subject to the two next following subparagraphs.

(3) 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 a worker while on the machine, at every place where such a worker 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 exposes a worker to risk of injury.

(4) 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 a worker 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 a worker is required to handle anything on the belt or chain, that the worker is protected from coming in contact with such side.

(5) 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 a worker to risk of injury.

(6) The mention of particular guarding requirements in the two next following paragraphs 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

3.—(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:

Provided that this paragraph shall not apply to—

(i) a cylinder mower, haymaking machine, hedge cutter, root gapper or thinner, or to

(ii) 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) S.R. & O. (N.I.) 1966, No. 163.