



Agriculture (Safety, Health and Welfare Provisions) Act 1956

1956 CHAPTER 49 4 and 5 Eliz 2

Supplementary Provisions

10^{F1} **E+W+S**

Textual Amendments

F1 Ss. 7(1)(2), 8, 10 repealed with saving by S.I. 1975/46, reg. 5, Sch. 1

11^{F2} **E+W+S**

Textual Amendments

F2 S. 11 repealed by S.I. 1977/746, Sch. 2

12^{F3} **E+W+S**

Textual Amendments

F3 S. 12 repealed with saving by S.I. 1975/46, reg. 5, Sch. 1

13 **E+W+S**

(1)^{F4}

(2)^{F5}

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Agriculture (Safety, Health and Welfare Provisions) Act 1956, Cross Heading: Supplementary Provisions. (See end of Document for details)

Textual Amendments

- F4 S. 13(1) repealed with saving by S.I. 1975/46, reg. 5, **Sch. 2**
- F5 Ss. 13(2), 14, 15, 17—21 repealed with saving S.I. 1975/46, reg. 5, **Sch. 1**

14, 15. ^{F6} **E+W+S**

Textual Amendments

- F6 Ss. 13(2), 14, 15, 17—21 repealed with saving S.I. 1975/46, reg. 5, **Sch. 1**

16 **Defence available to persons charged with offences.** **E+W+S**

It shall be a defence for a person charged with a contravention of a provision of this Act or of regulations thereunder to prove that he used all due diligence to secure compliance with that provision.

17— ^{F7} **E+W+S**
21.

Textual Amendments

- F7 Ss. 13(2), 14, 15, 17—21 repealed with saving S.I. 1975/46, reg. 5, **Sch. 1**

22 **Application to the Crown.** **E+W+S**

Sections one, two and six of this Act and regulations under any of those sections shall, in so far as they impose duties failure to comply with which might give rise to a liability in tort, be binding upon the Crown.

23 ^{F8} **E+W+S**

Textual Amendments

- F8 S. 23 repealed by S.I. 1976/1247, **Sch. 2**

24 **Interpretation.** **E+W+S**

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—
 - “agriculture” includes dairy-farming, the production of any consumable produce which is grown for sale or for consumption or other use for the purposes of a trade or business or of any other undertaking (whether carried on for profit or not), and the use of land as grazing, meadow or pasture land or orchard or osier land or woodland or for market gardens or nursery grounds, and “agricultural” shall be construed accordingly;

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“agricultural holding”, “fixed equipment” and “landlord” have the same meanings as in the ^{F9}Agricultural Holdings Act 1986];

“agricultural unit” means land which is occupied as a unit for agricultural purposes;

F10

“consumable produce” means produce grown for consumption or for other use after severance from the land on which it is grown;

^{F11} “inspector” means an inspector appointed by the Health and Safety Executive under section 19 of the ^{M1}Health and Safety at Work etc. Act 1974]

F12

“worker” means a person employed under a contract of service or apprenticeship and “employer” and “employed” have corresponding meanings;

“young person” means a person who is over compulsory school age for the purposes of the ^{M2}Education Act, 1944, but has not attained the age of eighteen.

(2) Any reference in this Act to a contravention of any provision shall include a reference to a failure to comply with that provision.

(3) F13

(4) Any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

Textual Amendments

F9 Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, Sch. 13 para. 3, **Sch. 14 para. 23**

F10 Definition of “the appropriate Minister” repealed by [S.I. 1976/1247](#), **Sch. 2**

F11 Definition substituted by [S.I. 1976/1247](#), **Sch. 2**

F12 Definition of “sanitary authority” repealed by [S.I. 1977/746](#), **Sch. 2**

F13 [S. 24\(3\)](#) repealed by [S.I. 1977/746](#), **Sch. 2**

Modifications etc. (not altering text)

C1 [S. 24\(1\)](#) amended (1.11.1996) (*temp.* until 31.8.1997) by [1996 c. 56](#), ss. 582(4), 583(2), Sch. 40 para. 1 (with ss. 1(4), 561, 562, **Sch. 39**).

Marginal Citations

M1 [1974 c. 37 \(43:3\)](#).

M2 [1944 c. 31 \(41:1\)](#).

25 Application to Scotland. **E+W+S**

(1) The provisions of this section shall have effect for the application of this Act to Scotland.

(2) F14

(3) For section three of this Act there shall be substituted the following section—

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- (1) If it appears to [^{F15}the Health and Safety Executive] that an agricultural unit . . .
^{F16} on which workers are employed in agriculture is without suitable and sufficient sanitary conveniences or washing facilities available for the use of workers so employed, [^{F15}the Executive] shall, by notice served on the appropriate person, require him, within such time as may be specified in the notice, to execute such works or take such other steps for the purpose of providing the unit with suitable and sufficient sanitary conveniences or washing facilities, as the case may be, available for the use of workers employed thereon in agriculture as may be specified in the notice.
- (2) In considering, for the purposes of this section, whether an agricultural unit is without suitable and sufficient sanitary conveniences or washing facilities available for the use of workers employed on the unit in agriculture, regard shall be had to the number and sex of the workers so employed, the location and duration of their work and to all other relevant circumstances.
- (3) [^{F15}The Health and Safety Executive] shall not serve a notice under this section requiring the execution of works of the nature of fixed equipment unless they are satisfied that special circumstances exist which render requisite the execution of such works, and no such notice shall be of any effect unless it states that [^{F15}the Executive] are so satisfied and what those circumstances are.
- (4) For the purposes of this section the expression “appropriate person” means—
 - (a) in the case of a notice requiring the execution, on land being an agricultural holding, of works of the nature of fixed equipment, the landlord of the holding;
 - (b) in the case of a notice requiring the execution, on land in the occupation of the owner thereof, of works of the nature aforesaid, the owner of the land;
 - (c) in the case of a notice requiring the execution of works other than works of the nature of fixed equipment, or the taking of other steps, the occupier of the unit to which the notice relates.
- (5) Any person aggrieved by a notice under this section may appeal to the sheriff by giving notice of appeal within twenty-one days after the date of the service of the notice; and the sheriff may either confirm the notice or, if he is satisfied that the works required to be executed or the steps required to be taken are unnecessary or are unreasonable in character or extent, or are not reasonably practicable, or that the local authority have refused unreasonably to approve the execution of alternative works or the taking of alternative steps, or that for any other reason the notice should be disallowed or varied, may disallow the notice or may confirm the notice subject to such variation as he may specify, and may make such order as to the expenses of the appeal as he may think equitable.

The decision of the sheriff shall be final and shall be binding both on the authority and on the person on whom the notice is served.

- (6) Subject to the right of appeal conferred by the last foregoing subsection and to any order made by the sheriff on such appeal, a person on whom a notice is served under this section who fails to comply with the requirements of the notice shall be guilty of an offence.”

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- (4) Where by virtue of . . . ^{F17} a notice served under section three [^{F18}of this Act] any works of the nature of fixed equipment are required to be executed on any land being an agricultural holding, the provisions of subsections (2), (3) and (5) of section five of the ^{M3}Agricultural Holdings (Scotland) Act, 1949 (which defines the respective liabilities of landlord and tenant for the provision and maintenance of fixed equipment) and section eighteen of that Act (which empowers the landlord of a holding to enter thereon for the purpose of providing fixed equipment) shall apply in relation to such works as aforesaid as they apply in relation to fixed equipment within the meaning of that Act.
- (5) Where the landlord of an agricultural holding has executed thereon works of the nature of fixed equipment which are required to be executed as mentioned in the last foregoing subsection or has executed similar works at the request of, or in agreement with, the tenant, section eight of the Agricultural Holdings (Scotland) Act, 1949 (which provides for increases of rent in respect of improvements carried out by the landlord) shall have effect as if the works so executed were such an improvement as is mentioned in subsection (1) of that section.
- (6) For section five there shall be substituted the following section—
- “(1) Any sanitary convenience and any washing facilities available for the use of workers employed on an agricultural unit in agriculture and any sanitary convenience provided in pursuance of regulations under section four of this Act shall be kept properly cleansed.
- (2) In the event of a contravention of the provisions of this section in relation to a sanitary convenience provided in pursuance of regulations under the said section four, the employer by whom it was provided, and in any other case the occupier of the agricultural unit, shall be guilty of an offence”.
- (7) ^{F14}
- (8) ^{F19}
- (10) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say—
- “agricultural holding”, “fixing equipment” and “landlord” have the like meanings as in the ^{M4}Agricultural Holdings (Scotland) Act, 1949;
- “owner” has the like meanings as in the ^{M5}Public Health (Scotland) Act, 1897, and in the case of an agricultural unit occupied by a landholder within the meaning of the Small Landholders (Scotland) Acts, 1886 to 1931, or a crofter within the meaning of the ^{M6}Crofters (Scotland) Act, 1955, means that landholder or crofter;
- ^{F20}
- “tort” means delict or quasi-delict;
- “worker” means a person employed under a contract of service or apprenticeship or a person employed in accordance with the provisions of Part III of the ^{M7}Children and Young Persons (Scotland) Act, 1937, and the ^{M8}Education (Exemptions) (Scotland) Act, 1947, and “employer” and “employed” have corresponding meanings;
- “young person” means a person who is over school age for the purposes of [^{F21}the ^{M9}Education (Scotland) Act 1980], but who has not attained the age of eighteen;

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and subsection (1) of section twenty-four shall have effect as if the definitions of “agricultural holding”, “fixed equipment”, “landlord”, . . . ^{F22}, “worker” and “young person” were omitted.

Textual Amendments

- F14** S. 25(2)(7) repealed with saving by S.I. 1975/46, reg. 5, **Sch. 1**
- F15** Words substituted by S.I. 1977/746, **Sch. 2**
- F16** Words repealed by S.I. 1977/746, **Sch. 2**
- F17** Words repealed with saving by S.I. 1975/46, reg. 5, **Sch. 1**
- F18** Words substituted with saving by S.I. 1975/46, reg. 5, **Sch. 3**
- F19** S. 25(8)(9) repealed by S.I. 1977/746, **Sch. 2**
- F20** Definition of “local authority” repealed by S.I. 1977/746, **Sch. 2**
- F21** Words substituted by virtue of Education (Scotland) Act 1980 (c. 44, SIF 41:2), **Sch. 3 para. 1**
- F22** Words repealed by S.I. 1977/746, **Sch. 2**

Marginal Citations

- M3** 1949 c. 75 (2:3).
- M4** 1949 c. 75 (2:3).
- M5** 1897 c. 38 (100:2).
- M6** 1955 c. 21 (2:4).
- M7** 1937 c. 37 (20).
- M8** 1947 c. 36.
- M9** 1980 c. 44 (41:2).

26 Short title and extent. **E+W+S**

- (1) This Act may be cited as the Agriculture (Safety, Health and Welfare Provisions) Act, 1956.
- (2) This Act shall not extend to Northern Ireland.

Status:

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Changes to legislation:

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