

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 than 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;

- (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.

(5) Subject to paragraphs (1), (2), (3) and (4) of this regulation and regulation 4 of the Agriculture (Safety of Children) Regulations (Northern Ireland) 1981(a), a person shall not drive a tractor in the course of agricultural operations or in going to or from the site of such operations unless it is properly fitted with an approved safety cab.

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

- (a) while that tractor 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 that tractor 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 that tractor is being used inside, or in close proximity to, a building for the purpose of carrying out an agricultural operation involving the use of that tractor 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 that tractor 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

7. 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;
- (c) any defect in the windscreen wiper if one is fitted; or
- (d) the loss of or any damage caused to the hearing protectors provided by his employer.

Restrictions on marking of safety cabs

8.—(1) A person other than the manufacturer of a safety cab shall not, without the consent of the Department in writing, apply to it any mark which is calculated to suggest—

- (a) that the safety cab is approved;
- (b) that the safety cab is approved for use with a tractor of a specified description; or
- (c) that the safety cab has been approved as being of a particular standard; whether the safety cab is approved or not.

(2) Subject to the provisions of paragraph (3) a person shall not apply to a safety cab any mark which is calculated falsely to suggest—

- (a) that the safety cab is approved;
- (b) that the safety cab is approved for use with a tractor of a specified description; or
- (c) that the safety cab has been approved as being of a particular standard.

(3) The application of a mark to a safety cab by its manufacturer before the time when it is first sold or let on hire shall not give rise to a contravention of paragraph (2) unless the mark remains on the safety cab until that time, in which case the manufacturer shall be deemed for the purposes of that paragraph to have applied the mark to the safety cab at that time.

(4) A person other than the manufacturer of a safety cab shall not, without the consent of the Department in writing, alter, remove, obliterate or deface any mark on that safety cab which is or purports to be a mark required by these regulations.

(5) For the purpose of this regulation a person applies a mark to a safety cab if he affixes or annexes it to or in any manner marks it on or incorporates it with the safety cab.

Certificates of exemption

9.—(1) Notwithstanding anything in these regulations, the Department may grant certificates exempting, for such periods and subject to such conditions, if any, as may be specified therein, particular cases or particular persons from the operation of all or any of the provisions in these regulations.

(2) Any breach of a condition imposed by such a certificate of exemption shall, while it continues, render the certificate void in relation to any tractor or safety cab which is affected by the breach.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 8th January 1981.

(L.S.)

D. J. Alexander

Assistant Secretary

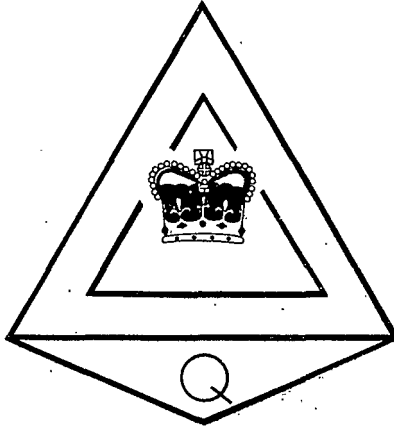
SCHEDULE

Regulation 2(1), 3.

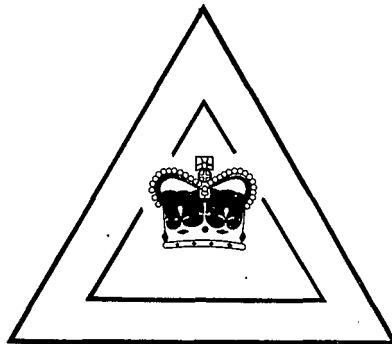
PART I

Marks on safety cabs

1.—(1) Where the Department has been satisfied, before issuing a certificate of approval, that the noise levels inside safety cabs of the model to which such certificate relates, when fitted to tractors of descriptions specified in the certificate, would not be more than 90 dBA, if tested in accordance with British Standard Specification No. BS 4063: 1973, the approval mark on an approved safety cab of that model shall be the following symbol:



(2) In any other case the approval mark on an approved safety cab shall be the following symbol:



2. The supplementary marks on a safety cab shall be—

- (a) the name of the make, and the name or number of the model, of every tractor for use with which the safety cab is approved at the time of marking, and
- (b) the serial number of the cab.

PART II

Manner in which safety cabs are to be marked

Safety cabs shall be so marked that—

- (a) every mark required by these regulations shall be in the main structure of the safety cab;
- (b) every mark required by these regulations shall be clear, legible and permanent and shall be displayed in a prominent and easily accessible position;
- (c) the name of the make or model of a tractor may if desired be represented by a recognisable abbreviation of that name;

- (d) where a model of tractor is referred to, such model of tractor shall be described in such a way as not to include any tractor for use with which the safety cab is not approved;
- (e) supplementary marks relating to the same approval mark shall be as near as is reasonably practicable to the approval mark and to each other;
- (f) where there is more than one approval mark on a safety cab the supplementary marks relating to each approval mark shall be separate and clearly distinguishable from supplementary marks relating to other approval marks.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations provide that—

- (1) No new (as defined) tractor for use in agriculture in Northern Ireland shall be sold or let on hire unless it is properly fitted with a safety cab approved for use therewith which bears specified marks.
- (2) No new (as defined) safety cab shall be so sold or hired unless it is approved and bears specified marks.
- (3) No used tractor shall be let on hire unless it is properly fitted with a safety cab approved for use therewith.

The Department of Agriculture is given power to issue certificates of exemption.

Every tractor being used in an agricultural operation must (except in the circumstances set out in Regulation 6(6)) be fitted with—

- (a) a safety cab (an expression which includes a safety frame) when driven by a worker;
- (b) an enclosed (as defined) safety cab when driven by a person between the ages of thirteen and sixteen years; and
- (c) as from 1st April 1985 a safety cab when driven by any other person.

An employer must provide a set of adequate (as defined) hearing protectors for the use of a worker driving a tractor which is fitted with a safety cab marked with the approval mark at paragraph 1(2) of Part I of the Schedule to the Regulations.

A worker must report the overturning of or damage to a tractor and the loss of or damage to hearing protectors.

The Department of Agriculture is empowered to issue certificates of approval to manufacturers in respect of safety cabs, including safety cabs type approved under EC Directive 77/311 or bearing a component type approval mark in accordance with EC Directive 77/536. Safety cabs for which certificates of approval have been issued by the Health and Safety Executive in Great Britain are acceptable for use in Northern Ireland.