
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations revoke and replace the Agriculture (Safety of Children) Regulations (Northern Ireland) 1981 (S.R. 1981 No. 6) and the Agriculture (Safety of Children) (Amendment) Regulations (Northern Ireland) 1983 (S.R. 1983 No. 355).

2. The Regulations—

- (a) place a duty on those in control of agricultural activities to prevent children from gaining access to hazardous areas of the farm (*regulation 3*);
- (b) prohibit children under the age of 13 years from—
 - (i) driving, towing or operating agricultural machinery in the course of agricultural activities (*regulation 4(a)*); or
 - (ii) driving or towing such machinery to or from the site of such activities (*regulation 4(b)*);
- (c) prohibit children under the age of 13 from riding on tractors, trailers and agricultural machinery while it is being used in agricultural activities or travelling to or from the site of those activities (*regulation 5*);
- (d)
 - (i) prohibit children maintaining agricultural machinery (*regulation 6(1)*); and
 - (ii) restrict young people (16-17 year olds) from maintaining such machinery unless supervised by a competent adult (*regulation 6(2)*);
- (e) restrict the use of agricultural machinery by children over 13 years of age and young people by setting out a series of conditions that will help to minimise the risks. These include the need for—
 - (i) supervision by a competent adult (*regulation 7(1)(a)*);
 - (ii) adequate training (*regulation 7(1)(b)*);
 - (iii) it to be necessary for his practical training (*regulation 7(1)(c)*);
 - (iv) any risk to be reduced to the lowest level that is reasonably practicable (*regulation 7(1)(d)*); and
 - (v) the Provision and Use of Work Equipment Regulations (Northern Ireland) 1999 (S.R. 1999 No. 305), as amended, to be complied with as if the agricultural machinery is work equipment being used by an employee (*regulation 7(1)(e)*);
- (f) amend regulation 6, paragraphs (4) and (5) of the Agriculture (Tractor Cabs) Regulations (Northern Ireland) 1993 (S.R. 1993 No. 477) (*regulation 10*).

3. The main provisions governing children's employment are contained in the Children (Northern Ireland) Order 1995 (S.I. 1995 No. 755 (N.I. 2)). The Employment of Children Regulations (Northern Ireland) 1996 (S.R. 1996 No. 477) place restrictions on the hours and conditions and the nature of employment permitted. They also prohibit the employment of children in any occupation other than one specified in the Schedule to those Regulations. These Regulations build on that framework, but also apply where children are not employed.

4. A regulatory impact assessment prepared by the Health and Safety Executive for Northern Ireland in respect of these Regulations is held at the offices of the Executive at 83 Ladas Drive, Belfast, BT6 9FR from where a copy may be obtained on request.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

5. A person who contravenes the Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable, on summary conviction, to a fine not exceeding the statutory maximum (currently £5,000) or, on conviction on indictment, to a fine.