

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 subparagraph (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.

- (a) covers the operative parts of the machine being as near to such parts as practicable; and
 - (b) fulfils the other conditions respectively applicable to such a machine set forth in the two next following subparagraphs.
- (3) Where the operative parts of the field machine rotate in a vertical or near vertical plane the said guard shall cover each end of the rotating assembly as well as the top thereof, and shall extend downwards so as to be as near the ground as practicable.
- (4) Where the operative parts of the field machine rotate in a horizontal or near horizontal plane the said guard shall, unless it extends downwards below the plane of the rotating assembly so as to be as near the ground as practicable, extend at least 1 foot beyond the periphery of such parts.

Guarding of specific field machines

4.—(1) Every chain saw designed or adapted for operation by one person shall, unless it has a guard between the handle and the saw which protects the operator's hand from slipping off the handle on to the saw, be fitted with a rigid safety bar which extends above and along the back of the saw from the end nearer to the operator for at least 9 inches.

(2) As respects every chain saw designed or adapted for operation by more than one person, being a saw which requires for its operation that one person shall be stationed at each end, the whole of the back of the saw shall be guarded by a rigid safety bar.

(3) Every rotary hedge cutter shall be so guarded as to protect every worker working at it while in the normal operating position from injury by material ejected by or from its cutting parts.

(4) As respects every pick-up baler the pick-up shall be fitted with a rigid guard rail which affords an adequate handhold and which—

- (a) extends for the whole width of the pick-up;
- (b) is placed in such a position that when the pick-up is in the operating position the guard rail is not less than 18 inches nor more than 3 feet 6 inches from the ground; and
- (c) is not less than 12 inches in front of the foremost revolving part of the pick-up.

Cutter bars

5.—(1) Where a field machine is fitted with a cutter bar (not being a cutter bar having a reel over the fingers which extends to at least 1 foot in front thereof), the points of the fingers shall except when the cutter bar is in use be at all times completely and securely covered by a rigid guard.

(2) Without prejudice to the generality of the foregoing exception a cutter bar shall be deemed to be in use if it is undergoing repair or adjustment, or is being transported from one part of an agricultural unit to another in the course of a single agricultural operation.

Stopping devices

6.—(1) Every prime mover shall be fitted with a device by means of which the prime mover may quickly be stopped.

(2) The purpose and method of operation of every such device shall be clearly indicated.

(3) Every such device shall be so constructed and maintained that—

- (a) it does not depend on sustained manual pressure for its operation; and

(b) when it is set at the "off" or "stop" position the prime mover is incapable of being re-started unless the device is manually re-set.

(4) Every such device shall be readily accessible—

(a) in the case of a self-propelled field machine, to the driver thereof at the normal driving position;

(b) in the case of a field machine which is pedestrian controlled, to the worker operating it at the normal control position;

(c) in the case of a field machine having its own prime mover, being a machine which is both towed and manned, as respects that prime mover, to at least one worker operating the machine at the normal operating position applicable to such worker, provided that this requirement shall not apply where there is readily accessible to at least one such worker at the said position a device by means of which the power from that prime mover may quickly be disconnected.

(5) In the case of a field machine having its own prime mover, being a machine which is towed but is not manned, the stopping device required by this paragraph shall be as near as practicable to that prime mover.

(6) Without prejudice to subparagraph (1) of this paragraph, every self-propelled field machine (other than a machine which is pedestrian controlled) shall be fitted with a device, readily accessible to the driver of the machine at the normal driving position, by means of which the power from the prime mover may quickly be disconnected.

(7) Where a field machine is fitted with a clutch (other than a clutch which on release automatically returns to the engaged position) effective means shall be provided to secure the clutch in the disengaged position so that it is incapable of being re-engaged unless it is manually operated.

Prohibition of use of pointed hooks and spikes

7. No pointed hook or spike shall be used, or form part of any device, for the attachment of a bag or other container to a field machine.

Standing platforms

8.—(1) Every field machine (other than a trailer) on which a worker may be required to stand while the machine is being operated shall be fitted with a platform which complies with subparagraph (2) of this paragraph.

(2) The said platform shall afford the worker adequate and flat standing space and a firm foothold, and shall be fitted at each side with—

(a) toeboards, which shall be at the edge of the platform or not more than 2 inches outside it, and shall extend not less than 3 inches above the platform; and

(b) guard rails, which shall be not less than 3 feet nor more than 3 feet 6 inches above the platform:

Provided that—

(i) no toeboard or guard rail need be fitted to the platform—

(a) if the field machine itself affords no less protection to a worker against falling from the platform than would be afforded if a toeboard or guard rail (as the case may be) were fitted to the platform;

(b) at places on the platform where it is necessary to permit the access of persons or the movement of materials;

(c) in the case of a platform not being more than 2 feet from the ground, at any side thereof from which a worker would, if he fell, fall clear of the machine or anything attached thereto, and

(ii) in the case of a drill having a rear platform, it shall be sufficient compliance with this subparagraph if there is—

- (a) in front of the worker operating the drill a handrail which is within his reach from any part of the platform, or behind such worker a guard rail; and
- (b) a toeboard at the leading edge of the platform.

(3) In the case of every field machine (including a trailer) having a ground wheel which protrudes through or is adjacent to a platform, being a platform on which a worker may be required to stand while the machine is being operated, each such ground wheel shall be so guarded as to protect the worker's legs and feet from coming in contact with such wheel whenever the worker is on the platform.

(4) Every trailer on which a worker may be required to stand while it is being operated shall, whenever it is attached to a pick-up baler be fitted with—

- (a) a toeboard, which shall be not less than 4 inches high at the leading edge of the trailer, and shall extend the whole width thereof; or
- (b) a triangular drawbar, of which the side nearest to the trailer shall be not less than the width thereof, and which shall be so constructed and maintained that the area contained by its three sides affords firm support for the worker's feet.

(5) In this paragraph references to toeboards include references to other fitments serving the like purpose no less effectively, and references to trailers include references to bale or other sledges.

Seats and footrests

9.—(1) Every field machine on which a worker may be required to be seated while the machine is being operated shall be fitted with—

- (a) a seat of adequate strength, being either fitted with a backrest, or otherwise so shaped, as to protect the worker against slipping from the seat; and
- (b) adequate and convenient footrests being so constructed and placed in position as to protect a worker's feet from slipping and from thereby coming in contact with any moving part of the machine, including its ground wheels and track gear.

(2) Whenever a ground wheel or track gear of a field machine is adjacent to a seat or footrest (whether or not the seat or footrest is part of that or of another field machine), a guard shall be fitted which shall protect the legs and feet of a worker seated on the field machine from coming in contact with such ground wheel or track gear.

Mounting devices

10.—(1) Every field machine to which this paragraph applies shall be fitted with a mounting device which shall afford to a worker working at the machine a safe and convenient means of mounting and dismounting from it.

(2) This paragraph applies to any field machine in relation to which the mounting distance from the ground in order to reach the position where the worker is required to work exceeds 21 inches; but does not apply to a trailer.

(3) In this paragraph "mounting device" means the combination of a mounting step, not more than 21 inches from the ground, with a suitable handhold, being together designed as a means of mounting, and dismounting from, the machine, whether or not such step and handhold are designed exclusively for such purpose.

Towing devices

11.—(1) Whenever a field machine is used for towing, or is itself towed, the towing device shall be so constructed, fitted and maintained as to be secure for the purpose; and without prejudice to the generality of such requirement where such device includes a coupling pin it shall be firmly secured in position.

(2) In this paragraph "towing device" means everything which directly or indirectly serves as the means of connection of the field machine to that which is towed or (as the case may be) is used for towing, "towing" includes propelling and winching, and "towed" has a corresponding meaning.

(3) Nothing in this paragraph shall render unlawful the use of a safety break-away hitch in connection with a machine any of whose parts operate directly in the soil, while any such part is so operating.

Warning notices on tipping trailers

12.—(1) Every tipping trailer shall carry a notice warning persons to keep clear of the trailer whilst it is in the tipping position.

(2) Such a warning notice shall be clearly visible from the front of the tipping trailer.

Maintenance

13.—(1) Every field machine, including every part thereof, shall be so maintained as to be safe, at the time when the machine is in use, for a worker to use it.

(2) Every safety device with which a field machine is provided shall be of adequate strength and shall be properly secured in position and maintained.

PART III

Regulation 3(1)(a) and (b)

Requirements as respects which both Employers and Workers are responsible

14.—(1) A worker shall not ride on the drawbar or other linkage of a field machine, or of any machine towed or propelled by a field machine, while the field machine is engaged in towing or propelling.

(2) A worker shall not mount, or, except in an emergency, dismount from, a self-propelled field machine while it is engaged in towing or propelling.

PART IV

Regulation 3(1)(c)

Requirements applicable to Workers

Use of safety appliances

15.—(1) Subject to the provisions of this paragraph, and without prejudice to subsection (1) of section 9 of the Act (which makes it an offence for a worker wilfully to interfere with, or misuse, any equipment, appliance, facilities or other thing provided in pursuance of the Act or regulations thereunder), a worker shall keep in position and shall make full use of every safety device which satisfies the requirements of this schedule:

Provided that if any part of a field machine required to be guarded is not in motion, the guard may be removed therefrom by a worker who has attained the age of 16 years for so long only as is necessary—

- (a) for the cleaning, repair or adjustment of such part while it is not in motion;
- (b) for carrying out any essential adjustment to such part while it is in motion, being an adjustment which cannot otherwise be carried out.

(2) Nothing in the last foregoing sub-paragraph shall prevent a guard from being temporarily removed from a prime mover by a worker who has attained the age of 16 years if its removal is necessary in order to start the prime mover by hand.

Damaged safety devices

16.—(1) If any safety device is or becomes damaged or defective, any worker employed to operate any field machine to which such a device has been fitted shall, on discovering that the device is damaged or defective, forthwith report the fact to his employer, or, in cases where for the purposes of these regulations some other person is deemed to be his employer, to that person.

(2) Nothing in this paragraph shall absolve an employer, or a person deemed for the purposes of these regulations to be an employer, from complying with the requirements contained in Part II of this schedule.

PART V

Regulation 3(1)(d)

Requirements applicable to Employers, Workers and others

17.—(1) No person shall set a self-propelled field machine in motion over the ground except from the driving position thereof.

(2) No person shall, except in an emergency, leave the driving position of a self-propelled field machine while it is in motion over the ground.

(3) This paragraph, in its application to field machines which are remotely controlled, shall have effect as if for the references to the driving position there were substituted references to the place at which the remote controls are operated.

SCHEDULE 2

Regulation 1(d)

Dates on which Regulations come into operation as respects field machines which are not new

Class of field machine	Date of coming into operation
<p style="text-align: center;">Class I</p> Bale sledges. Corn and seed drills (including combined corn and fertiliser drills). Farmyard manure spreaders. Lime and fertiliser distributors. Liquid manure distributors. Loaders and elevators, whether or not tractor mounted. Potato planters. Rotary cultivators and hoes. Seedling transplanters. Pedestrian controlled field machines. Power driven handtools. Tractors.	<p style="text-align: center;">1st December 1968.</p>

Class II	
Binders. Combine harvesters, whether self-propelled or tractor drawn. Pick-up balers. Windrowers. Forage harvesters. Haulm pulverisers. Hedge cutters. Mowers. Potato elevator diggers. Potato harvesters. Root gappers and thinners. Root harvesters and toppers. Rotary cutters and slashers. Sprayers and dusters.	1st December 1969.
Class III	
Field machines not included in Classes I and II of this schedule.	1st June 1970.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations, made under section 1 of the Agriculture (Safety, Health and Welfare Provisions) Act (Northern Ireland) 1959 provide for the protection of workers employed in agriculture against risks of bodily injury while working at field machines, that is to say, broadly, all machines used in agriculture other than those designed or adapted for stationary use only.

The regulations prohibit the employer of a worker employed in agriculture from causing or permitting a worker to work at a field machine except in accordance with the prescribed requirements. In addition to specific requirements designed to protect workers against risks arising from the use of field machines generally, and from machines of a particular type, the regulations require a number of specified components (such as shafting, pulleys, flywheels, etc.) of all field machines to be so situated or guarded as to protect workers from coming in contact with such components either directly or by means of their clothes.

The regulations provide for the proper maintenance of machinery, guards and other safety devices. They also require that a prescribed means shall be provided of quickly stopping every field machine.

Workers and other persons are prohibited from doing certain dangerous acts—and in the case of workers, their employers also are made responsible for the observance of those requirements. Workers must also keep all safety devices in position (except under certain prescribed conditions); make full use of them; and report to their employers any which are damaged.

The sale or letting on hire for use in agriculture of field machines that do not comply with the prescribed safety requirements is prohibited, but the prohibition in respect of sales does not extend to any field machine that has previously been sold to a purchaser for use by him in agriculture.

The regulations provide for the granting of certificates of exemption in suitable cases.

The regulations come into operation on different dates as mentioned in Regulation 1.