STATUTORY INSTRUMENTS

1957 No. 1386

AGRICULTURAL EMPLOYMENT

SAFETY, HEALTH AND WELFARE

The Agriculture (Power Take-off) Regulations, 1957

Made - - - - 1*st August,* 1957
Coming into Operation *As provided in Reg.* 1

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland, acting jointly, in exercise of the powers conferred on them by subsections (1) to (5) of section 1 of the Agriculture (Safety, Health and Welfare Provisions) Act, 1956(**a**), and of all other powers enabling them in that behalf, after consultation with such organisations as appear to them to represent the interests concerned, hereby make the following regulations, a draft whereof has been laid before Parliament and has been approved by resolution of each House of Parliament:—

Citation, extent and commencement

1. These regulations, which may be cited as the Agriculture (Power Take-off) Regulations, 1957, shall apply to Great Britain, and shall come into operation as follows:—

(*a*) regulation 3 hereof (which relates to the guarding of the power take-off of a tractor) shall come into operation on the 1st day of August, 1958:

Provided that in relation to any tractor that is not new on that date and is not designed by its manufacturer to have attached to it a shield of the kind referred to in that regulation, the said regulation shall not come into operation until the 1st day of August, 1959;

(*b*) regulation 4 hereof (which relates to the guarding of the power take-off shaft of other machinery) shall come into operation on the 1st day of February, 1959:

Provided that in relation to any machine that is not new on that date, the said regulation shall not come into operation until the 1st day of August, 1959; and

(*c*) the remainder of the regulations shall come into operation on the date on which they are made.

Interpretation

2.—(1) In these regulations—

"agriculture", "agricultural unit", "worker", "employer" and "employed" have the meanings respectively assigned to them, as respects England and Wales by subsection (1) of section 24 of the Agriculture (Safety, Health and Welfare Provisions) Act, 1956, and, as respects Scotland by that subsection as applied by subsection (10) of section 25 of that Act;

(a) 4 & 5 Eliz. 2. c. 49.

" power take-off " means the splined shaft of any tractor intended for transmitting power to any machine by means of the power take-off shaft of that machine ;

" power take-off shaft " means, as respects any machine, its shaft (including any couplings and clutches up to the first fixed bearing of the machine) intended for attachment to the power take-off of any tractor.

(2) Any vehicle having a splined shaft intended for transmitting power to any machine by means of the power take-off shaft of that machine shall be deemed to be a tractor for the purposes of these regulations.

(3) A tractor or machine is new for the purposes of these regulations if it has never been used since manufacture, or has only been used for test or demonstration.

(4) The Interpretation Act, 1889(**b**), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Guarding of power take-off

3.—(1) The employer of a worker employed in agriculture shall not cause or permit to be used on an agricultural unit on which such a worker is employed, and a worker employed in agriculture shall not use, any tractor having a power take-off, whilst the engine is in motion unless—

(*a*) the power take-off is guarded by a shield so designed, and so attached to the tractor, that it protects a worker from coming in contact, from above or from either side, either directly or by means of his clothes, with the power take-off of that tractor, or

(*b*) the power take-off is not in use, and is completely enclosed by a cover so attached to the tractor that contact with any part of the power take-off is impossible.

(2) Every shield and cover required by this regulation shall be substantially constructed of metal or other material, and shall be capable when attached to a tractor of supporting a weight of not less than 250 pounds.

Guarding of power take-off shaft

4.—(1) Subject to the provisions of this regulation, the employer of a worker employed in agriculture shall not cause or permit to be used on an agricultural unit on which such a worker is employed, and a worker employed in agriculture shall not use, any machine having a power take-off shaft unless—

(*a*) the entire length of the shaft, whilst in motion, is wholly enclosed in a guard so designed, and so attached to the machine, that it protects a worker from coming in contact, either directly or by means of his clothes, with any part of the power take-off shaft of that machine, or

(*b*) in the case of a machine which is not new on the coming into operation of this regulation, and in respect of which the distance between any part of its power take-off shaft and the ground does not exceed two feet, the entire length of the shaft, whilst in motion, is either wholly enclosed as aforesaid, or is partly enclosed in the manner described in paragraph (2) of this regulation.

(2) A power take-off shaft is partly enclosed for the purpose of sub-paragraph (*b*) of paragraph (1) of this regulation if the shaft is provided with a guard over its entire length on top and on both sides to a depth of at least two inches (measured at right angles to the shaft) below the lowest point of its circumference.

(**b**) 52 & 53 Vict. c. 63.

(3) Paragraph (1) of this regulation shall not apply to a machine that is so constructed and maintained as to afford no less protection against coming in contact with the power take-off shaft of the machine than would require to be afforded under the said paragraph (1):

Provided that where a machine is so constructed and maintained as to afford such measure of protection as aforesaid in respect of only a part of the power take-off shaft of the machine, the said paragraph (1) shall apply to that machine in respect of any part of the shaft as to which such protection is not so afforded.

(4) Every guard required by this regulation shall be substantially constructed, and shall be maintained in good condition.

Certificates of exemption

5.—(1) Notwithstanding anything in these regulations, the Minister 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, an employer of a worker employed in agriculture, and a worker so employed, to whom any such certificate applies, shall comply with those conditions.

(2) In this regulation "the Minister" means, as respects England and Wales, the Minister of Agriculture, Fisheries and Food, and, as respects Scotland, the Secretary of State.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this thirty-first day of July, nineteen hundred and fifty-seven.

(L.S.) *D. Heathcoat Amory,*
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland this first day of August, nineteen hundred and fifty-seven.

(L.S.) *John S. Maclay,*
Secretary of State for Scotland.

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, 1956, prohibit the use, where workers are employed in agriculture, of machinery having a power take-off, or power take-off shaft, unless the power take-off, or, as the case may be, the power take-off shaft, is guarded in the manner provided in the regulations. The provisions requiring the power take-off of a tractor to be shielded, in general, come into operation on the 1st August, 1958, but in relation to tractors which are already in use on that date and are not designed by manufacture to take a shield, such provisions do not come into operation until the 1st August, 1959. Similarly, the provisions requiring the power take-off shaft of other machinery to be guarded, in general, come into operation on the 1st February, 1959, but in relation to machinery already in use on that date such provisions do not come into operation until the 1st August, 1959.

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

The regulations apply to Great Britain.

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