1959 No. 428

The Agriculture (Safeguarding of Workplaces) Regulations, 1959

Laid before Parliament in draft
Made - - - - 12*th March*, 1959
Coming into Operation 1*st April*, 1961

The Minister of Agriculture, Fisheries and Food and the Secretary of State, 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 (Safeguarding of Workplaces) Regulations, 1959, shall apply to Great Britain and shall come into operation on the 1st day of April, 1961.

Interpretation

2.—(1) In these regulations—

" the Act " means the Agriculture (Safety, Health and Welfare Provisions) Act, 1956; and

" 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 Act, and, as respects Scotland, by that subsection as applied by subsection (10) of section 25 of the Act.

(2) Expressions used in Part II and III of the Schedule to these regulations of which there are definitions in Part I thereof have the meanings thereby respectively assigned to them.

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

Obligations applicable to employers and occupiers

3.—(1) Subject to the provisions of these regulations—

(*a*) the employer of a worker employed in agriculture to work on an agricultural unit of which the employer is the occupier, and
(*b*) the occupier of an agricultural unit on which a worker employed in agriculture is employed to work by an employer other than the occupier of that unit,

shall not cause or permit a worker so employed, in the course of his employment, to work at or to use any place on that unit unless the requirements applicable to such a place contained in Part II of the Schedule to these regulations are complied with.

(a) 4 & 5 Eliz. 2. c. 49. (b) 52 & 53 Vict. c. 63.

(2) This regulation shall not apply in respect of a worker while working on the construction, alteration or maintenance of a building.

Obligations applicable to workers

4.—(1) Subject to the provisions of these regulations a worker employed in agriculture to work on an agricultural unit shall comply with the requirements contained in Part III of the Schedule to these regulations.

(2) This regulation shall not apply in respect of a worker while working on the construction, alteration or maintenance of a building.

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, the 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 tenth day of March, nineteen hundred and fifty-nine.

(L.S.) *John Hare,*
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland this twelfth day of March, nineteen hundred and fifty-nine.

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

SCHEDULE

PART I

Regulation 2 (2)

Interpretation

In this Schedule—

" cover " includes a grid which affords a worker no less protection against falling than would be afforded by a cover other than a grid ;

" floor " means any structural surface within a building, or forming part of a building, on which a worker has to work, or over or across which he has to pass in connection with his work, but does not include any part of a stairway ;

" stairway " means a permanent staircase or a permanently fixed ladder being a staircase or ladder which is either within a building or gives access to a building or to part of a building ; and

" step " means, in relation to any stairway, any tread or rung thereof.

PART II

Regulation 3

REQUIREMENTS APPLICABLE TO EMPLOYERS (OR, IN CERTAIN CASES, TO OCCUPIERS)

General

1. Every stairway and every floor shall be as safe as is reasonably practicable for the purposes for which it is used.

Construction and maintenance of stairways

2.—(1) No step of a stairway, shall depend for its support on being secured solely by nails, screws or other similar fixing:

Provided that nothing in this sub-paragraph shall prevent the steps of a stairway from being supported by brackets or bearers which are secured in such a manner.

(2) No stairway shall have any step missing or any defect likely to weaken the stairway which reasonable examination would disclose.

Handrails for certain stairways

3.—(1) Subject to the provisions of this paragraph every stairway shall be fitted with a handrail or handrails.

(2) If a stairway has an open side the handrail shall be on that side; if the stairway has two open sides there shall be a handrail on each side; if there is no open side the handrail may be on either side.

(3) Every handrail fitted in accordance with the foregoing provisions of this paragraph—

(*a*) shall be of wood, metal or other suitable material, and shall be smooth and rigid;

(*b*) shall be of adequate strength and shall be securely fixed in position; and

(*c*) shall extend the whole length of the stairway:

Provided that if it is impossible for a handrail to extend the whole length of the stairway without obstructing access thereto the handrail need not extend so as to obstruct access to the stairway.

(4) This paragraph shall not apply to a stairway—

(*a*) which extends less than 3 feet measured vertically from the ground, or floor level, on which the bottom of the stairway rests; or

(*b*) to which paragraph 4 of this Schedule applies.

Special provision for steep stairways

4.—(1) This paragraph applies to a stairway which is at an angle of 30 degrees or less from the vertical.

(2) Every stairway to which this paragraph applies shall be provided with a secure handhold for use by a worker at the highest point at which he has to get on or off the stairway, whether by extension of at least one stile for not less than 3 feet above such point or by some other means.

Apertures in floors and walls, and edges of floors

5.—(1) Subject to the provisions of this paragraph, every aperture in a floor, being an aperture through which a worker is liable to fall more than 5 feet, shall be guarded by—

(*a*) a cover; or

(*b*) a fence not less than 3 feet high; or

(*c*) a guard rail not less than 3 feet nor more than 3 feet 6 inches above the level of the floor.

(2) Subject to the provisions of this paragraph, every edge of a floor, being an edge of a floor from which a worker is liable to fall more than 5 feet, shall be guarded by—

(*a*) a fence not less than 3 feet high ; or

(*b*) a guard rail not less than 3 feet nor more than 3 feet 6 inches above the level of the floor:

Provided that this sub-paragraph shall not apply where a floor terminates at an aperture in a wall.

(3) Subject to the provisions of this paragraph, every aperture in a wall in a building, being an aperture through which a worker is liable to fall more than 5 feet, shall be guarded by—

(*a*) a door or fence not less than 3 feet high ; or

(*b*) a guard rail not less than 3 feet nor more than 3 feet 6 inches above the level of the floor:

Provided that this sub-paragraph shall not apply if—

(i) the height of the aperture from top to bottom does not exceed 4 feet; or

(ii) the bottom of the aperture is more than 2 feet above the floor.

(4) Every cover, door, fence or guard rail fitted in accordance with the foregoing provisions of this paragraph shall be of adequate strength ; shall (except as provided by sub-paragraph (6) of this paragraph) be securely fixed in position, or, in the case of any door, shall be kept shut ; and shall be properly maintained.

(5) Every guard rail shall be so fitted that it is not outside a line plumb with the edge of the aperture or of the floor to be guarded:

Provided that a guard rail may be fitted not more than 10 inches outside such a line if there is also fitted within such distance of 10 inches an intermediate rail which is not less than 1 foot 6 inches nor more than 1 foot 9 inches above the level of the floor.

(6) No cover or door fitted in accordance with the foregoing provisions of this paragraph shall be opened or removed, and no fence or guard rail so fitted shall be removed—

(*a*) except for the time and to the extent necessary for the access of persons or the movement of materials ; and

(*b*) unless there is a secure handhold available for use when the cover, fence or guard rail is not in position, or, as the case may be, the door is open, (so, however, that a handhold shall not be necessary where the cover consists of a self-closing trap door).

(7) This paragraph shall not apply to an aperture, or to an edge of a floor, used as access to a stairway.

Grain pits, stokeholds and furnace pits

6.—(1) Every grain pit, stokehold or furnace pit into which a worker is liable to fall more than 5 feet shall be guarded by—

(*a*) a cover ; or

(*b*) a fence not less than 3 feet high ; or

(*c*) a guard rail not less than 3 feet nor more than 3 feet 6 inches above the level of the ground.

(2) Every cover, fence or guard rail fitted in accordance with the foregoing provisions of this paragraph shall be of adequate strength ; shall (except as provided by sub-paragraph (4) of this paragraph) be securely fixed in position ; and shall be properly maintained.

(3) Every guard rail shall be so fitted that it is not outside a line plumb with the edge of the grain pit, stokehold or furnace pit to be guarded.

(4) No cover, fence, or guard rail shall be opened or removed except for the time and to the extent necessary for the access of persons or the movement of materials.

PART III

Regulation 4

REQUIREMENTS APPLICABLE TO WORKERS

Non-removal of safety appliances

7. Without prejudice to subsection (1) of section 13 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 not open or remove any cover or door, fence or guard rail, except as permitted under Part II of this Schedule.

Reporting of defects

8.—(1) Subject to the provisions of this paragraph if—

(*a*) any step of a stairway, or

(*b*) any handrail, cover, fence or guard rail (of the respective kinds required under Part II of this Schedule) which has been fitted to anything which has to be guarded in accordance with Part II of this Schedule,

is or becomes defective within the meaning of this paragraph, any worker who has to use that stairway, or (as the case may be) has to work where such cover, fence or guard rail is fitted, shall on discovering that it is defective, forthwith report the fact to his employer.

(2) A step of a stairway is defective within the meaning of this paragraph if it is missing or broken.

(3) A handrail, cover, fence or guard rail is defective within the meaning of this paragraph if it is broken.

(4) This paragraph shall not apply to a worker whose employer is not the occupier of the agricultural unit on which the worker is employed to work.

(5) Nothing in this paragraph shall absolve an employer from complying with the requirements contained in Part II of this Schedule.

EXPLANATORY NOTE

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

Section 1 of the Agriculture (Safety, Health and Welfare Provisions) Act, 1956, provides for the making of regulations (among other purposes) for securing to workers employed in agriculture safe places to work in and safe means of access thereto and for protecting them against risks of bodily injury arising out of their falling through apertures in floors or walls, or from their workplaces, or while ascending or descending staircases or ladders.

These regulations, made in pursuance of this section, make it unlawful for the employer of a worker employed in agriculture (or, where the employer is a contractor, for the occupier of the farm) to cause or permit a worker to work at or use certain specified places on farms—mostly in buildings—except in accordance with the scheduled requirements. These requirements cover the construction and maintenance of floors and stairways, the provision of handrails in connection with stairways ; and the guarding in the prescribed manner of apertures in floors and walls, and of edges of floors, wherever a worker is liable to fall more than 5 feet.

The regulations prohibit workers from removing the prescribed guards except as permitted under the regulations, and require workers to report prescribed defects to their employers.

The regulations apply to Great Britain.