CHAPTER 49

An Act to provide for securing the safety, health and welfare of persons employed in agriculture and certain other occupations and the avoidance of accidents to children arising out of the use, in connection with agriculture, of vehicles, machinery or implements; and for purposes connected with the matters aforesaid.

[5th July, 1956]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Safety, Health and Welfare of Employees

Regulations for securing safety and health of employees.

1.—(1) Provision may be made by regulations under this section for protecting workers employed in agriculture against risks of bodily injury or injury to health arising out of the use of any machinery, plant, equipment or appliance, the carrying on of any operation, the use of any process or the management of animals, for securing to such workers 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.

(2) Regulations under this section may make any such provision for any of the purposes mentioned in the foregoing subsection as appears to the authority by whom the regulations are made to meet the necessity of the case as far as is reasonably practicable, and may impose obligations, restrictions and prohibitions on employers of workers employed in agriculture, on such workers themselves, and on others.

(3) Without prejudice to the generality of the last foregoing subsection, regulations under this section may provide for—

(*a*) regulating or prohibiting the use of any machinery, plant, equipment or appliance, the carrying on of any operation or the use of any process;

(*b*) imposing requirements with respect to the construction, installation, examination, repair, maintenance, alteration, adjustment and testing of machinery, plant, equipment or appliances and the safeguarding of dangerous parts thereof and prohibiting the sale or letting on hire of any machinery, plant, equipment or appliance which does not comply with requirements of the regulations;

(*c*) requiring the observance of precautions in connection with the management of animals and imposing requirements with respect to the construction of enclosures in which animals are kept;

(*d*) requiring the giving of instructions with respect to the proper manner of using any machinery, plant, equipment or appliance, carrying on any operation, using any process or managing animals;

(*e*) prohibiting the employment in work of any kind prescribed by the regulations of persons who have not attained the age of eighteen, either absolutely or except upon the condition of their having received a sufficient training in work of that kind or being subject to such supervision as may be so prescribed;

(*f*) imposing requirements with respect to the fencing of apertures in floors or walls, the construction and maintenance of staircases and the provision in connection therewith of handrails and other safeguards and the construction and maintenance of ladders;

(*g*) requiring the taking of such steps as may be prescribed by the regulations for the purpose of bringing provisions of the regulations to the notice of workers employed in agriculture; and

(*h*) any incidental, supplementary or consequential matters for which it appears to the authority by whom the regulations are made requisite or expedient to provide for the purposes of the regulations.

(4) Regulations under this section may make different provision to meet different circumstances.

(5) Regulations under this section may provide for empowering the appropriate Minister to 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 provisions of the regulations.

(6) A person who contravenes any provision of regulations under this section shall be guilty of an offence.

(7) The Threshing Machines Act, 1878, shall be repealed on such day as may be appointed for that purpose by order made by the Minister of Agriculture, Fisheries and Food by statutory instrument, and the Chaff-Cutting Machines (Accidents) Act, 1897, shall be repealed—

(*a*) as respects England and Wales, on such day as may be appointed for that purpose by order made as aforesaid;

(*b*) as respects Scotland, on such day as may be appointed for that purpose by order made by the Secretary of State by statutory instrument.

Lifting excessive weights.

2.—(1) A young person shall not be employed as a worker in agriculture to lift, carry or move a load so heavy as to be likely to cause injury to him.

(2) Regulations may be made for prescribing the maximum weights which may be lifted, carried or moved by workers employed in agriculture; and any such regulations may prescribe different weights in different circumstances and may relate either to workers generally or to any class of workers or to workers employed in work of any class.

(3) In the event of a contravention, in the case of any worker, of the provisions of subsection (1) of this section or of regulations made under subsection (2) thereof, his employer shall be guilty of an offence.

General provisions as to sanitary conveniences and washing facilities.

3.—(1) If it appears to a sanitary authority that an agricultural unit within their district on which workers are employed in agriculture is without suitable and sufficient sanitary conveniences available for the use of workers so employed, the authority shall, by notice to the appropriate person, require him, within such time as may be specified in the notice, to execute such works or take such other steps for the purpose of providing the unit with suitable and sufficient sanitary conveniences available for the use of workers employed thereon in agriculture as may be specified in the notice.

(2) If it appears to the appropriate Minister that an agricultural unit on which workers are employed in agriculture is without suitable and sufficient washing facilities available for the use of workers so employed, the appropriate Minister shall, by notice to the appropriate person, require him, within such time as may be specified in the notice, to execute such works or take such other steps for the purpose of providing the unit with suitable and sufficient washing facilities available for the use of workers employed thereon in agriculture as may be specified in the notice.

(3) In considering, for the purposes of this section, whether an agricultural unit is or is not without suitable and sufficient sanitary conveniences available for the use of workers employed on the unit in agriculture or, as the case may be, is or is not without suitable and sufficient washing facilities for the use of workers so employed, regard shall be had to the number and sex of the workers so employed, the location and duration of their work and all other relevant circumstances.

(4) A notice under this section requiring the execution of works involving the provision of fixed equipment must specify the place where the works are to be executed.

(5) Neither a sanitary authority nor the appropriate Minister shall serve a notice under this section requiring the execution of works involving the provision of fixed equipment unless they are, or he is, satisfied that special circumstances exist which render requisite the provision of such equipment, and no such notice shall be of any effect unless it states that the authority are, or (as the case may be) that the Minister is, so satisfied and what those circumstances are.

(6) For the purposes of this section the expression "appropriate person" means—

(*a*) in the case of a notice requiring the execution, on land comprised in an agricultural holding, of works involving the provision of fixed equipment, the landlord of the holding;

(*b*) in any other case, the occupier of the unit to which the notice relates.

(7) A person aggrieved by a notice under this section requiring him to execute works involving the provision of fixed equipment may, within twenty-eight days from the service of the notice, appeal to a magistrates' court on any of the following grounds which are appropriate to the circumstances of the case, namely—

(*a*) that the authority or Minister by whom the notice was served have, or has, refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary;

(*b*) that it is unreasonable to require the execution of the works at the place specified in the notice;

(*c*) that the time within which the works are to be executed is not reasonable for the purpose;

and the court may make such order either confirming or quashing or varying the notice as it thinks fit.

(8) A person aggrieved by a decision of a magistrates' court under this section may appeal to a court of quarter sessions.

(9) Subject to the rights of appeal conferred by the foregoing provisions of this section and (where an appeal is brought in exercise of any such right) to any order made by the court on the appeal, a person upon whom a notice is served under this section who fails to comply with the requirements of the notice shall be guilty of an offence:

Provided that, in any proceedings under this subsection for an offence consisting in a failure to comply with the requirements of a notice other than one to which subsection (7) of this section applies, it shall be open to the defendant to question the reasonableness of the requirements of the notice.

(10) Section nine of the Agricultural Holdings Act, 1948 (which provides for increasing the rent of an agricultural holding upon which the landlord has executed improvements in the circumstances mentioned in subsection (1) of that section) shall have effect as if, in that subsection, the reference to works for the supply of water to the holding included a reference to works executed thereon for the purpose of complying with the requirements of a notice under this section.

Power to require provision of sanitary conveniences by agricultural contractors.

4.—(1) Regulations may be made for requiring, in such circumstances as may be prescribed by the regulations, the provision, by the employer of workers employed in agriculture on land which is not occupied by him, of such sanitary conveniences for the use of those workers as may be so prescribed.

(2) Regulations under this section may make different provision to meet different circumstances.

(3) A person who contravenes any provision of regulations under this section shall be guilty of an offence.

Power of sanitary authority to secure maintenance and cleanliness of sanitary conveniences.

5.—(1) If it appears to a sanitary authority that a sanitary convenience provided for the use of workers employed in agriculture on an agricultural unit within their district (being a convenience provided on the unit or provided in pursuance of regulations under the last foregoing section elsewhere) is not being properly maintained or is not being kept clean, they shall, by notice to the occupier of the unit (or, where the convenience is provided in pursuance of such regulations as aforesaid, to the person who provided it) require him, as the case may be, to take, within such time as may be specified in the notice, such steps for the purpose of securing the proper maintenance of the convenience as may be so specified or to cleanse the convenience forthwith.

(2) A person who fails to comply with the requirements of a notice under this section shall be guilty of an offence:

Provided that, in any proceedings under this subsection for an offence consisting in a failure to comply with the requirements of a notice requiring the taking of steps for the purpose of securing

the proper maintenance of a convenience, it shall be open to the defendant to question the reasonableness of the requirements of the notice.

First aid.

6.—(1) A worker employed in agriculture shall not be employed to work on an agricultural unit unless there is provided thereon a first aid box or cupboard which—

(*a*) contains first aid requisites and appliances of such descriptions and in such quantities as may be prescribed by regulations applicable to the part of Great Britain in which the unit is situate;

(*b*) contains no articles other than first aid requisites or appliances;

(*c*) is conspicuously marked on the outside with the words "First Aid"; and

(*d*) is accessible to him.

(2) Regulations may be made for requiring the provision, at such places on an agricultural unit on which workers are employed in agriculture as may be prescribed by the regulations, and either at all times or at such times as may be so prescribed, of containers containing first-aid requisites and appliances of such descriptions and in such quantities as may be so prescribed, being containers complying with such requirements (if any) as may be so prescribed with respect to the form thereof and the marking thereof for the purpose of indicating the nature of the contents thereof, but nothing in any such regulation shall be construed as derogating from subsection (1) of this section.

(3) Regulations under this section may make different provision to meet different circumstances.

(4) In the event of a contravention of the provisions of subsection (1) of this section in the case of a worker, his employer shall be guilty of an offence, and a person who contravenes any provision of regulations under subsection (2) of this section shall be guilty of an offence.

Measures for Avoiding Accidents to Children

Power to prohibit children from riding on or driving vehicles, machinery or implements used in agriculture.

7.—(1) Regulations may be made for prohibiting children who have not attained the age at which their employment ceases to be prohibited under paragraph (*a*) of subsection (1) of section eighteen of the Children and Young Persons Act, 1933, from riding on or driving vehicles or machines of prescribed classes while the vehicles or machines are being used in the course of agricultural operations or are going to or from the site of such operations or from riding on agricultural implements of prescribed classes while the implements are being towed or propelled (whether by vehicles, machines or animals).

(2) A prohibition imposed by regulations under this section may be absolute or may be limited by reference to particular circumstances, and in this section the expression " prescribed " means prescribed by regulations thereunder.

(3) A person who causes or permits a child, in contravention of the provisions of regulations under this section, to ride on or drive a vehicle or machine or, as the case may be, to ride on an agricultural implement, shall be guilty of an offence.

Notification and Investigation of Accidents and Diseases

Notification of, and keeping of records as to, accidents and diseases.

8.—(1) Regulations may be made for requiring—

(*a*) the notification, to such person and in such form and manner as may be prescribed by the regulations, of the occurrence, in the course of agricultural operations, of accidents of such classes as may be so prescribed and of the contraction by persons engaged in agriculture (whether as workers or not) of such diseases as may be so prescribed;

(*b*) the keeping, by an employer of workers employed in agriculture, of records of the occurrence, in the course of agricultural operations, of accidents of such classes as may be prescribed by the regulations, being accidents whereby bodily injury is caused to workers so employed by that employer, and of the contraction by workers so employed by that employer of such diseases as may be so prescribed (whether or not notice of the occurrence of accidents of those classes or, as the case may be, the contraction by persons of those diseases is required to be given by virtue of the foregoing paragraph);

and any such regulations may include provision for requiring a notice or record to be given or made in pursuance of the regulations to be accompanied by or, as the case may be, to include such particulars with respect to the matter notified or recorded as may be prescribed by the regulations.

(2) A person who contravenes any provision of regulations under this section shall be guilty of an offence:

Provided that, in any proceedings taken for a contravention of a provision of such regulations consisting in a failure to give notice or make a record of the occurrence of an accident or the contraction by a person of a disease, it shall be a defence for the person charged to prove that he was not aware that the accident had occurred or, as the case may be, that the first-mentioned person had contracted the disease.

Inquest in case of death by accident.

9.—(1) Where a coroner holds an inquest on the body of a person whose death may have been caused by an accident occurring in the course of agricultural operations, the coroner shall adjourn the inquest unless an inspector or some other person on behalf of the appropriate Minister is present to watch the proceedings, and shall, at least four days before holding the adjourned inquest, give to an inspector notice of the time and place of holding the adjourned inquest:

Provided that—

(*a*) the coroner, before the adjournment, may take evidence to identify the body and may order the interment thereof; and

(*b*) if the inquest relates to the death of not more than one person, the coroner shall not be bound to adjourn the inquest in pursuance of this section if, not less than twenty-four hours before it is held, he informed an inspector of the time and place of the holding thereof.

(2) Where evidence is given at any such inquest at which an inspector is not present of any neglect as having caused or contributed to the accident, or of any defect in any building, structure, machinery, plant, equipment or appliance appearing to the coroner or jury to require a remedy, the coroner shall give to an inspector notice of the neglect or defect.

Supplementary Provisions

Appointment of inspectors and their powers.

10.—(1) The appropriate Minister may, with the approval of the Treasury as to numbers, appoint such inspectors as he thinks necessary for the execution of this Act and may pay them such salaries as he may, with the approval of the Treasury, determine.

(2) An inspector may, for the purpose of the execution of this Act or regulations thereunder and on producing, if so required, some duly authenticated document showing his appointment, enter at all reasonable hours any land which is being used for agriculture or which he has reasonable cause to believe to be such land as aforesaid:

Provided that admission shall not be demanded under this subsection to a dwelling-house unless twenty-four hours' notice of the intended entry has been given to the occupier of the house.

(3) An inspector shall have power to do all or any of the following things for the purpose of the execution of this Act or regulations thereunder, that is to say:—

(*a*) to require the production of, and to inspect, examine and copy, registers, records or other documents kept in pursuance of regulations under this Act;

(*b*) to make such examinations and inquiries as may be necessary to ascertain whether the provisions of this Act and of regulations thereunder are complied with and, in particular, for that purpose to require any person whom he finds on such land as is mentioned in subsection (2) of this section or whom he has reasonable cause to believe to be, or to have been within the preceding two months, employed to work thereon to answer such questions as the inspector thinks fit to ask, so, however, that no one shall be required under this provision to answer any question tending to criminate himself;

(*c*) to require any person whom he finds on such land as is mentioned in subsection (2) of this section to give such information as it is in his power to give as to who is the occupier thereof or the employer of workers employed to work thereon.

(4) Where an inspector believes that an offence under this Act has been committed and proposes, in exercise of the powers conferred by paragraph (*b*) of the last foregoing subsection, to ask questions of a person for the purpose of verifying the inspector's belief or of ascertaining particulars of the offence, it shall be his duty, before asking the questions, to inform that person of his right to refuse to answer a question tending to criminate him.

(5) A person who—

(*a*) fails to comply with any requirement imposed by an inspector under this section; or

(*b*) in purported compliance with a requirement so imposed to answer any question or give any information makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular; or

(*c*) prevents, or attempts to prevent, any other person from appearing before an inspector or from answering any question to which an inspector may, by virtue of this section, require an answer; or

(*d*) obstructs an inspector in the exercise or performance of his powers or duties;

shall be guilty of an offence.

Inspections by sanitary authority.

11.—(1) A person duly authorised in writing by a sanitary authority may, on producing, if so required, evidence of his authority, enter at all reasonable hours any land for the purpose of determining

(*a*) whether, and if so, in what manner, the power conferred by subsection (1) of section three of this Act is to be

exercised as respects that land or whether there has been a failure to comply, as respects that land, with the requirements of a notice under that subsection; or

(*b*) whether, and if so, in what manner, the power conferred by section five of this Act is to be exercised as respects a sanitary convenience on that land, or whether there has been a failure to comply, as respects a sanitary convenience on that land, with the requirements of a notice under that section:

Provided that admission shall not be demanded under this subsection to a dwelling-house unless twenty-four hours' notice of the intended entry has been given to the occupier of the house.

(2) A person who obstructs a person acting in the exercise of his powers under this section shall be guilty of an offence.

Falsification of records, &c.

12. A person who wilfully makes a false entry in a register, record, return or other document kept or furnished in pursuance of regulations under this Act, or wilfully makes use of such a false entry, shall be guilty of an offence.

Duties of employees.

13.—(1) A worker employed in agriculture who wilfully interferes with, or misuses, any equipment, appliance, facilities or other thing provided in pursuance of this Act or regulations thereunder shall be guilty of an offence.

(2) Nothing in this section shall be taken as limiting the power conferred by section one of this Act to make by regulations any such provision as is therein mentioned, including further provision as to matters which are the subject of this section.

Punishment of offences.

14.—(1) A person guilty of an offence under this Act shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

(2) Where a contravention of a provision of regulations under this Act consists in a failure to do anything at or within a time specified in the regulations, and the regulations provide that this subsection shall apply to a failure so to do it, the contravention shall be deemed to continue until that thing is done.

(3) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In this subsection, the expression " director ", in relation to any body corporate which is established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking and whose affairs are managed by the members thereof, means a member of that body.

Penalty on persons actually committing offences for which others are liable.

15. Where a contravention of a provision of this Act or of regulations thereunder for which a person is, by virtue of the last foregoing section, liable on conviction to a penalty was due to an act or default of another person, then, whether proceedings are or are not taken against the first-mentioned person, that other person may be charged with, and convicted of, the contravention, and shall, on conviction, be liable to the same punishment as that to which the first-mentioned person is, on conviction, liable.

Defence available to persons charged with offences.

16. It shall be a defence for a person charged with a contravention of a provision of this Act or of regulations thereunder to prove that he used all due diligence to secure compliance with that provision.

Provisions as to exercise of regulation-making powers.

17.—(1) Regulations under any provision of this Act may be either regulations applying to Great Britain and made by the Minister of Agriculture, Fisheries and Food and the Secretary of State jointly, or regulations applying to England and Wales only and made by the said Minister, or regulations applying to Scotland only and made by the Secretary of State.

(2) When the Minister of Agriculture, Fisheries and Food and the Secretary of State, or either of them, propose or proposes to make regulations under this Act, they or he shall, before making the regulations, consult with such organisations as appear to them or him to represent the interests concerned.

(3) The powers conferred by this Act to make regulations shall be exercisable by statutory instrument.

(4) No regulations shall be made under section one of this Act unless a draft thereof has been laid before Parliament and approved by resolution of each House of Parliament.

(5) A statutory instrument containing regulations made under any provision of this Act (other than section one) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Power to extend Act to certain persons employed otherwise than in agriculture.

18.—(1) This Act may by order be extended (subject to such exceptions, adaptations and modifications, if any, as may be specified in the order) to such class of persons employed otherwise than in agriculture as may be so specified, being a class of persons whose work is done in conditions appearing to the authority by whom the order is made to be similar to those in which the work of persons employed in agriculture is done.

(2) An order under this section may be either one extending this Act in its application to Great Britain and made by the Minister of Agriculture, Fisheries and Food and the Secretary of State jointly, or one extending this Act in its application to England and Wales only and made by the said Minister, or one extending this Act in its application to Scotland only and made by the Secretary of State.

(3) An order under this section may be varied or revoked by a subsequent order thereunder made by the authority who made the original order.

(4) The powers conferred by this section shall be exercisable by statutory instrument and no order shall be made under this section unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.

Power to exclude operation of provisions of the Factories Acts, 1937 and 1948.

19.—(1) Provision may be made by order for directing that such of the provisions of the Factories Acts, 1937 and 1948, as may be specified in the order shall not apply, or shall not apply to such extent as may be so specified, to—

(*a*) any premises occupied for agricultural purposes;

(*b*) any premises whereon there is carried on work in which are employed persons of a class to which this Act extends by virtue of an order under the last foregoing section.

(2) An order under this section may be either one relating to premises in any part of Great Britain and made by the Minister of Agriculture, Fisheries and Food, the Secretary of State and the Minister of Labour and National Service jointly, or one relating to premises in England and Wales only and made by the Minister of Agriculture, Fisheries and Food and the Minister of Labour and National Service jointly or one relating to premises in Scotland only and made by the Secretary of State and the Minister of Labour and National Service jointly.

(3) An order under this section may be varied or revoked by a subsequent order thereunder made by the authority who made the original order.

(4) The powers conferred by this section shall be exercisable by statutory instrument and no order shall be made under this section unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.

Form, and mode of service, of notices.

20. A notice under this Act must be in writing and may be served on the person to whom it is to be given either by delivering it to him or by sending it by post addressed to him at his usual or last known place of abode.

Annual reports.

21.—(1) The Minister of Agriculture, Fisheries and Food shall make an annual report to Parliament of his proceedings under this Act.

(2) The Secretary of State shall include in the annual report made in pursuance of subsection (2) of section four of the Small Landholders (Scotland) Act, 1911, a report of his proceedings under this Act.

Application to the Crown.

22. Sections one, two and six of this Act and regulations under any of those sections shall, in so far as they impose duties failure to comply with which might give rise to a liability in tort, be binding upon the Crown.

Expenses.

23. Any expenses incurred by the Minister of Agriculture, Fisheries and Food or the Secretary of State in carrying out this Act shall be defrayed out of moneys provided by Parliament.

Interpretation.

24.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

" agriculture " includes dairy-farming, the production of any consumable produce which is grown for sale or for consumption or other use for the purposes of a trade or business or of any other undertaking (whether carried on for profit or not), and the use of land as grazing, meadow or pasture land or orchard or osier land or woodland or for market gardens or nursery grounds, and " agricultural " shall be construed accordingly;

" agricultural holding ", " fixed equipment " and " landlord " have the same meanings as in the Agricultural Holdings Act, 1948;

" agricultural unit " means land which is occupied as a unit for agricultural purposes;

" the appropriate Minister " means, for the purposes of the application of this Act or regulations thereunder to England and Wales, the Minister of Agriculture, Fisheries and Food, and, for the purposes of the application of this Act or regulations thereunder to Scotland, the Secretary of State;

" consumable produce " means produce grown for consumption or for other use after severance from the land on which it is grown;

" inspector " means an inspector appointed under this Act;

" sanitary authority " means, save as respects the administrative county of London, the council of a borough or urban or rural district and, as respects the administrative county of London, a sanitary authority for the purposes of the Public Health (London) Act, 1936;

" worker " means a person employed under a contract of service or apprenticeship and " employer " and " employed " have corresponding meanings ;

" young person " means a person who is over compulsory school age for the purposes of the Education Act, 1944, but has not attained the age of eighteen.

(2) Any reference in this Act to a contravention of any provision shall include a reference to a failure to comply with that provision.

(3) For the purposes of this Act an agricultural unit which is situate within the districts of two or more sanitary authorities shall be deemed to be wholly situate within the district of that one of them within whose district the greater or, as the case may be, the greatest part of the unit is situate.

(4) Any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

Application to Scotland.

25.—(1) The provisions of this section shall have effect for the application of this Act to Scotland.

(2) Any regulations under section one of this Act providing for imposing requirements with respect to the execution of works of the nature of fixed equipment shall provide for imposing such requirements in relation to any land being an agricultural holding on the landlord of the holding.

(3) For section three of this Act there shall be substituted the following section—

" 3.—(1) If it appears to a local authority that an agricultural unit in their district on which workers are employed in agriculture is without suitable and sufficient sanitary conveniences or washing facilities available for the use of workers so employed, the authority shall, by notice served on the appropriate person, require him, within such time as may be specified in the notice, to execute such works or take such other steps for the purpose of providing the unit with suitable and sufficient sanitary conveniences or washing facilities, as the case may be, available for the use of workers employed thereon in agriculture as may be specified in the notice.

(2) In considering, for the purposes of this section, whether an agricultural unit is without suitable and sufficient sanitary conveniences or washing facilities available for the use of workers employed on the unit in agriculture, regard shall be had to the number and sex of the workers so employed, the location and duration of their work and to all other relevant circumstances.

(3) A local authority shall not serve a notice under this section requiring the execution of works of the nature of fixed equipment unless they are satisfied that special circumstances exist which render requisite the execution of such works, and no such notice shall be of any effect unless it states that the authority are so satisfied and what those circumstances are.

(4) For the purposes of this section the expression "appropriate person" means—

(*a*) in the case of a notice requiring the execution, on land being an agricultural holding, of works of the nature of fixed equipment, the landlord of the holding;

(*b*) in the case of a notice requiring the execution, on land in the occupation of the owner thereof, of works of the nature aforesaid, the owner of the land;

(*c*) in the case of a notice requiring the execution of works other than works of the nature of fixed equipment, or the taking of other steps, the occupier of the unit to which the notice relates.

(5) Any person aggrieved by a notice under this section may appeal to the sheriff by giving notice of appeal within twenty-one days after the date of the service of the notice; and the sheriff may either confirm the notice or, if he is satisfied that the works required to be executed or the steps required to be taken are unnecessary or are unreasonable in character or extent, or are not reasonably practicable, or that the local authority have refused unreasonably to approve the execution of alternative works or the taking of alternative steps, or that for any other reason the notice should be disallowed or varied, may disallow the notice or may confirm the notice subject to such variation as he may specify, and may make such order as to the expenses of the appeal as he may think equitable.

The decision of the sheriff shall be final and shall be binding both on the authority and on the person on whom the notice is served.

(6) Subject to the right of appeal conferred by the last foregoing subsection and to any order made by the sheriff on such appeal, a person on whom a notice is served under this section who fails to comply with the requirements of the notice shall be guilty of an offence."

(4) Where by virtue of any regulations made under section one of this Act or of a notice served under section three thereof any works of the nature of fixed equipment are required to be executed on any land being an agricultural holding, the provisions

of subsections (2), (3) and (5) of section five of the Agricultural Holdings (Scotland) Act, 1949 (which defines the respective liabilities of landlord and tenant for the provision and maintenance of fixed equipment) and section eighteen of that Act (which empowers the landlord of a holding to enter thereon for the purpose of providing fixed equipment) shall apply in relation to such works as aforesaid as they apply in relation to fixed equipment within the meaning of that Act.

(5) Where the landlord of an agricultural holding has executed thereon works of the nature of fixed equipment which are required to be executed as mentioned in the last foregoing subsection or has executed similar works at the request of, or in agreement with, the tenant, section eight of the Agricultural Holdings (Scotland) Act, 1949 (which provides for increases of rent in respect of improvements carried out by the landlord) shall have effect as if the works so executed were such an improvement as is mentioned in subsection (1) of that section.

(6) For section five there shall be substituted the following section—

"(1) Any sanitary convenience and any washing facilities available for the use of workers employed on an agricultural unit in agriculture and any sanitary convenience provided in pursuance of regulations under section four of this Act shall be kept properly cleansed.

(2) In the event of a contravention of the provisions of this section in relation to a sanitary convenience provided in pursuance of regulations under the said section four, the employer by whom it was provided, and in any other case the occupier of the agricultural unit, shall be guilty of an offence".

(7) In section seven for the reference to section eighteen of the Children and Young Persons Act, 1933, there shall be substituted a reference to section twenty-eight of the Children and Young Persons (Scotland) Act, 1937.

(8) In section eleven for paragraph (*b*) of subsection (1) there shall be substituted the following paragraph—

"(*b*) whether there has been a failure to comply, as respects a sanitary convenience or any washing facilities on that land, with the requirements of section five of this Act".

(9) For any reference to a sanitary authority there shall be substituted a reference to a local authority.

(10) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say—

"agricultural holding", "fixed equipment" and "landlord" have the like meanings as in the Agricultural Holdings (Scotland) Act, 1949;

" owner " has the like meaning as in the Public Health (Scotland) Act, 1897, and in the case of an agricultural unit occupied by a landholder within the meaning of the Small Landholders (Scotland) Acts, 1886 to 1931, or a crofter within the meaning of the Crofters (Scotland) Act, 1955, means that landholder or crofter;

" local authority " means a county or town council;

" tort " means delict or quasi-delict;

" worker " means a person employed under a contract of service or apprenticeship or a person employed in accordance with the provisions of Part III of the Children and Young Persons (Scotland) Act, 1937, and the Education (Exemptions) (Scotland) Act, 1947, and " employer " and " employed " have corresponding meanings;

" young person " means a person who is over school age for the purposes of the Education (Scotland) Act, 1946, but who has not attained the age of eighteen;

and subsection (1) of section twenty-four shall have effect as if the definitions of " agricultural holding ", " fixed equipment ", " landlord ", " sanitary authority ", " worker " and " young person " were omitted.

Short title and extent.

26.—(1) This Act may be cited as the Agriculture (Safety, Health and Welfare Provisions) Act, 1956.

(2) This Act shall not extend to Northern Ireland.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Threshing Machines Act, 1878	41 & 42 Vict. c. 12.
Public Health (Scotland) Act, 1897 ...	60 & 61 Vict. c. 38.
Chaff-Cutting Machines (Accidents) Act, 1897.	60 & 61 Vict. c. 60.
Small Landholders (Scotland) Act, 1911 ...	1 & 2 Geo. 5. c. 49.
Children and Young Persons Act, 1933 ...	23 & 24 Geo. 5. c. 12.
Public Health (London) Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 50.
Children and Young Persons (Scotland) Act, 1937.	1 Edw. 8 & 1 Geo. 6. c. 37.
Education Act, 1944	7 & 8 Geo. 6. c. 31.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
Education (Exemptions) (Scotland) Act, 1947	10 & 11 Geo. 6. c. 36.
Agricultural Holdings Act, 1948	11 & 12 Geo. 6. c. 63.
Agricultural Holdings (Scotland) Act, 1949	12, 13 & 14 Geo. 6. c. 75.
Crofters (Scotland) Act, 1955	3 & 4 Eliz. 2. c. 21.

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