SAFETY, HEALTH AND WELFARE

1960 No. 1199

The Agriculture (Threshers and Balers) Regulations, 1960

Laid before Parliament in draft
Made - - - - 14*th July*, 1960
Coming into Operation 1*st August*, 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 (Threshers and Balers) Regulations, 1960, shall apply to Great Britain and shall come into operation on the 1st day of August, 1961.

Interpretation

2.—(1) In these regulations—

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

"agriculture", "agricultural unit", and (subject to regulation 6 of these regulations) "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;

"thresher" and "baler" have the meanings respectively assigned to them in Part I of the Schedule to these regulations.

(2) For the purposes of these regulations a worker works at a thresher or baler if—

(*a*) he operates or assists in the operation of the thresher or baler; or

(*b*) he is present at the site where threshing or baling is being carried out and performs any task which is necessarily incidental thereto.

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

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

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

Obligations affecting employers

3. Subject to the provisions of these regulations the employer of a worker employed in agriculture shall not cause or permit a worker so employed, in the course of his employment, to work at a thresher or baler unless the requirements contained in Part II of the Schedule to these regulations are complied with.

Obligations affecting employers and workers

4. Subject to the provisions of these regulations—

(*a*) the employer of a worker employed in agriculture shall not cause or permit a worker so employed, in the course of his employment, to work at, and

(*b*) a worker so employed shall not, in the course of his employment work at,

a thresher or baler unless the requirements contained in Part III of the Schedule to these regulations are complied with.

Obligations affecting workers

5. Subject to the provisions of these regulations a worker employed in agriculture who, in the course of his employment, works at a thresher or baler shall comply with the requirements contained in Part IV of the Schedule to these regulations.

Persons deemed to be employers

6.—(1) Where a worker employed in agriculture works at a thresher or baler 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 threshing or baling is being carried out, or (in cases where paragraph (2) of this regulation applies) of the agricultural contractor to whom the thresher or baler belongs.

(2) Where a worker employed in agriculture works at a thresher or baler 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.

(3) For the purposes of these regulations a thresher or baler belongs to an agricultural contractor if—

(*a*) he is the owner thereof; or

(*b*) he has hired or borrowed it from the owner.

(4) Where by virtue of paragraphs (1) or (2) of this regulation any person is deemed to be the employer of a worker employed in agriculture, regulations 3 and 4 of these regulations, except in their application to workers, shall not apply to any person other than the person so deemed as aforesaid.

Certificates of Exemption

7.—(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

(a) 52 & 53 Vict. c. 63.

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.

(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 fourteenth day of July, nineteen hundred and sixty.

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

Given under the Seal of the Secretary of State for Scotland this fourteenth day of July, nineteen hundred and sixty.

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

SCHEDULE

PART I *Regulation* 2 (3)

INTERPRETATION

1.—(1) In this Schedule—

"baler" means a stationary machine used for baling or trussing straw or fodder, and includes a trusser;

"belt" includes any flexible material used to transmit power from one pulley to another;

"deck" means any platform (other than any temporary extension thereof) of a thresher designed for a worker to stand on while working at the thresher;

"primary driving belt" means a belt for transmitting power from the driving pulley of a prime mover to a thresher or baler;

"prime mover" means every engine, motor or other appliance which provides mechanical energy to a thresher or baler;

"run-on point" means the on-running point of contact of a belt with a pulley, or of a chain with a sprocket;

"shafting" means a shaft or system of shafts (including any couplings and clutches) used for transmitting power;

"stationary machine" means any machine (together with any prime mover forming an integral part thereof and any transmission machinery used therewith) designed, or permanently converted, for stationary use only;

"thresher" means a stationary machine used for threshing grain or seed, and includes a huller but does not include a pea-viner.

(2) References in this Schedule to a worker coming in contact with any part of a thresher or baler (or, in relation to a primary driving belt, with any run-on point), shall be construed as references to his coming in contact therewith either directly or by means of his clothes.

PART II *Regulation* 3

REQUIREMENTS APPLICABLE TO EMPLOYERS

Threshers

Guarding of drum feeding mouth

2.—(1) Subject to the provisions of this paragraph the drum feeding mouth of every thresher shall, whenever produce is being fed to the drum, be so guarded as to protect a worker from coming in contact with the drum:

Provided that nothing in this subparagraph shall require the feeding mouth to be guarded in a manner that would render it impracticable for produce to be fed to the drum.

(2) Without prejudice to the generality of the foregoing subparagraph, the requirements thereof shall be deemed to be complied with if a thresher is fitted with a self-feeder which affords a worker no less protection against coming in contact with the drum than if the drum feeding mouth were guarded in accordance with that subparagraph.

Fitting of cover over drum feeding mouth

3.—(1) If while the drum of a thresher is rotating produce is not being fed to the drum, the drum feeding mouth shall be so covered as to render it impossible for a worker to come in contact with the drum.

(2) A cover required in accordance with the foregoing subparagraph shall, for the purposes of this Schedule, be treated as a guard.

Decks

4.—(1) The deck of every thresher from which a worker is liable to fall more than 5 feet shall be fitted with a guard (being a guard which complies with subparagraph (2) of this paragraph)—

(*a*) at each end of the deck; and

(*b*) at the side of the deck not being used for the movement of produce:

Provided that one gap of not more than 2 feet may be left in the guard for access to the deck by a worker.

(2) The said guard—

(*a*) shall consist of a guard rail, rope, chain or fence;

(*b*) shall be not less than 3 feet nor more than 4 feet above the deck; and

(*c*) shall be supported by uprights not more than 8 feet apart.

(3) The foregoing subparagraphs shall not apply to any floor to which the Agriculture (Safeguarding of Workplaces) Regulations, 1959(a), apply.

Prohibition of use of pointed hooks and spikes

5. No pointed hook or spike shall be used, or form part of any device, for the attachment of a sack or bag to a thresher.

Balers and trussers

Guarding of dangerous parts of balers and trussers

6.—(1) Every baler shall at both sides be fitted with a guard so situated as to protect a worker from coming in contact with the ram.

(2) Every trusser shall be fitted with a guard so situated as to protect a worker from coming in contact with the discharge arms.

Threshers and balers

Construction and Maintenance

7. Every thresher and every baler shall be of sound construction and properly maintained.

(a) S.I. 1959/428 (1959 I, p. 75).

Components of threshers and balers

8.—(1) Subject to the provisions of this paragraph every component of a thresher, and every component of a baler, being a component to which this paragraph applies, shall be so situated or so guarded as to protect a worker from coming in contact therewith.

(2) Without prejudice to the generality of the foregoing subparagraph, where a thresher or baler is permanently fixed in one position, a component, and any part of a component, shall be deemed to be so situated as aforesaid if it is more than 6 feet 6 inches from every floor, platform, staircase, fixed ladder or other place to which a worker has access in the course of his employment.

(3) The components to which this paragraph applies are any shafting, pulley, flywheel, gearing, crank, sprocket, belt or chain:

Provided that this paragraph shall not apply to shafts to which the Agriculture (Power Take-off) Regulations, 1957(a), apply, and, as respects belts and chains, shall have effect subject to the next following subparagraph.

(4) In the case of—

(*a*) a primary driving belt in respect of which the prime mover and thresher or baler are not permanently fixed in relation to each other; and

(*b*) any belt or chain connecting a thresher and a baler which are not so fixed as aforesaid,

the provisions of subparagraph (1) of this paragraph shall apply only in relation to the run-on points.

Means of quickly stopping machinery

9.—(1) Means shall be provided, in accordance with the following provisions of this paragraph, of quickly stopping every thresher and baler, that is to say, either—

(*a*) the prime mover shall be fitted with a readily accessible device (whether or not a switch) by means of which the prime mover may quickly be stopped; or

(*b*) the thresher or baler shall be fitted with such a device by means of which it may be immediately disconnected from its prime mover.

(2) Every such device as is mentioned in the foregoing subparagraph shall be so constructed and maintained that the power cannot be reconnected to the thresher or baler unless the device is manually operated.

(3) Where a prime mover, whether or not forming an integral part of a baler or thresher, is controlled by two or more manually operated switches, they shall be connected in such manner that if the power is disconnected at any one such switch, it shall be incapable of being reconnected unless that switch is subsequently manually operated.

(4) In the last two foregoing subparagraphs "manually operated" means operated by hand, foot or other bodily means.

Belts

10.—(1) Every belt (including a primary driving belt) together with its fastenings which is used in connection with a thresher or baler shall be properly maintained.

(2) No such belt shall rest or ride directly on a revolving shaft.

(3) No fastening on a primary driving belt shall be such as to constitute a danger to a worker.

Lighting

11. At every thresher and every baler, and at every prime mover used therewith, there shall be adequate natural or artificial light.

Guards

12. Every guard required by this Schedule shall be of adequate strength and shall be properly maintained.

(a) S.I. 1957/1386 (1957 I, p. 73).

PART III *Regulation 4*

REQUIREMENTS APPLICABLE TO EMPLOYERS AND WORKERS

Threshers

Prohibited standing places for workers

13. A worker shall not, while the drum of a thresher is rotating, stand on any platform, or other surface, which slopes down directly into the drum feeding mouth of the thresher.

Minimum age for feeding into drum feeding mouth

14. A worker shall not feed produce into the drum feeding mouth of a thresher unless he has attained the age of 18 years.

Balers

Prohibition of being on baler during operation

15. A worker shall not be on top of a baler while it is being operated.

PART IV *Regulation 5*

REQUIREMENTS APPLICABLE TO WORKERS

Threshers and balers

Use of safety appliances

16.—(1) Subject to the provisions of this paragraph, and 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 keep in position and shall make full use of every guard, facility and other thing provided, which satisfies the requirements of this Schedule:

Provided that a guard may be removed from a thresher or baler (and from a primary driving belt) by a worker who has attained the age of 16 years—

(*a*) while the thresher or baler is not in use for so long only as is necessary for repair or adjustment; or

(*b*) while the thresher or baler is in use for so long only as is necessary for carrying out any essential adjustment, being an adjustment which cannot be carried out unless the thresher or baler is in use.

(2) The foregoing subparagraph shall not apply in respect of any period while a thresher or baler is disconnected from its prime mover.

Damaged guards

17.—(1) If any guard required under Part II of this Schedule is or becomes damaged, any worker employed to work at any thresher or baler to which such a guard has been fitted shall, on discovering that the guard is damaged, 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.

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 (which on their coming into operation replace, in England and Wales, the provisions of the Threshing Machines Act, 1878 (41 & 42 Vict. c. 12)), provide for the protection of workers employed in agriculture against risks of bodily injury while working at stationary threshers and balers.

The regulations prohibit the employer of a worker employed in agriculture from causing or permitting such a worker to work at a thresher or baler except in accordance with the prescribed requirements. In addition to specific guarding requirements designed to protect workers against risks customarily associated with the use of threshers and balers, the regulations (as in the Agriculture (Stationary Machinery) Regulations, 1959, S.I. 1959/1216 (1959 I, p. 80) in the case of stationary machinery) require a number of specified components (such as shafting, pulleys, flywheels, etc.) of all threshers and balers 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 belts and for there to be adequate natural or artificial light. They also require that a prescribed means shall be provided of quickly stopping every thresher and baler.

Workers are prohibited from being in certain dangerous positions while working at threshers and balers—their employers also being made responsible for the observance of this requirement. Workers are also required to keep all guards in position (except under certain prescribed conditions); to make full use of them; and to report to their employers any damaged guards.

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

The regulations, which apply to Great Britain, come into operation on the 1st August, 1961.