1970. No. 52 [C]

AGRICULTURAL EMPLOYMENT

SAFETY, HEALTH AND WELFARE

Safety Cabs for Agricultural Tractors

REGULATIONS, DATED 18TH MARCH 1970, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTION 1 OF THE AGRICULTURE (SAFETY, HEALTH AND WELFARE PROVISIONS) ACT (NORTHERN IRELAND) 1959.

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(a) 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:—

Citation and Commencement

1. These Regulations, which may be cited as the Agriculture (Tractor Cabs) Regulations (Northern Ireland) 1970 shall come into operation as follows:—

(*a*) This Regulation and Regulations 2, 3, 7 and 8 shall come into operation on the date on which they are made.

(*b*) Regulations 4, 5 and 6 shall come into operation on 1st September 1970.

Interpretation

2.—(1) In these Regulations—

"the Act" means the Agriculture (Safety, Health and Welfare Provisions) Act (Northern Ireland) 1959;

"agriculture", "worker", "employer", "employed" and "Ministry" have the meanings respectively assigned to them by Section 18 of the Act;

"approval mark" means the mark, consisting of a crown inside a triangle, illustrated in Paragraph 1 of Part I of the Schedule to these Regulations;

"approved", in relation to a safety cab, means approved in accordance with regulation 3 for use with a tractor;

"building" includes any underground premises;

"marked" means marked in the manner described in Part II of the Schedule to these Regulations;

"safety cab" means a rigid framework or cab designed to protect the driver of a tractor to which it is fitted from being crushed if the tractor overturns, and includes a safety frame;

"new" in relation to a safety cab means not previously sold to any purchaser for use by him in agriculture;

"supplementary marks" means the marks described in Paragraph 2 of Part I of the Schedule to these Regulations;

(a) 1959. c. 24.

"tractor" means a wheeled tractor weighing 11 cwts. or more when assembled in the lightest form commercially available, without water, fuel or lubricating oil, but does not include a half-tracked vehicle.

(2) For the purpose of these Regulations—

(*a*) a tractor which is made the subject of a contract for hire purchase shall be deemed to be sold and not let on hire;

(*b*) a tractor shall be deemed to be new if it is first used for agricultural purposes in Northern Ireland on or after 1st September 1970.

(3) A tractor is properly fitted with a safety cab for the purposes of these Regulations if the safety cab is—

(*a*) so maintained and so fitted to the tractor as to afford the protection for which it is designed; and

(*b*) equipped with an efficient automatic wiper for any windscreen it may have.

Approved Safety Cabs

3.—(1) Subject to the following provisions of this Regulation, the Ministry may approve a safety cab of any model for use with a tractor of any description by issuing a certificate of approval to the manufacturer of the safety cab approving the use of safety cabs of that model when fitted to tractors of that description.

(2) Before issuing a certificate of approval the Ministry shall be satisfied that safety cabs of the model to which it relates would be capable of satisfying the British Standard Specification No. BS4063: 1966(**b**) or any other specification made from time to time being the British Standard Specification for the Safety Requirements and Testing of Safety Cabs and Safety Frames for Agricultural Wheeled Tractors when fitted to tractors of descriptions specified in the certificate.

(3) A certificate of approval may prescribe specifications for the construction of safety cabs of the model to which it relates and unless a safety cab is constructed in accordance with any specifications so prescribed it shall not be a safety cab of that model.

(4) Such specifications may be prescribed by reference to documents other than the certificate of approval, by reference to specimens of safety cabs or materials, and in any other manner.

(5) An approved safety cab shall cease to be approved if it is materially changed as a result of damage, alteration, neglect or any other cause.

(6) The Ministry may, at any time, by notice in writing to the manufacturer, given not less than one month before it is due to take effect, amend or revoke a certificate of approval.

(7) It shall be a condition of every certificate of approval that the manufacturer to whom it is issued—

(*a*) shall cause every safety cab approved under the certificate to be marked with the approval mark and supplementary marks before it is sold or let on hire; and

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(**b**) British Standard Specification for the Safety Requirements and Testing of Safety Cabs and Safety Frames for Agricultural Wheeled Tractors; published by the British Standards Institution, 2 Park Street, London, W.1.

(*b*) shall, on request, at any reasonable time before sale, whether during or after manufacture,—

(i) make available for inspection by or on behalf of the Ministry any safety cab manufactured by him;

(ii) submit to such tests as the Ministry may require any safety cab which purports to be or is intended to be approved under the certificate.

(8) The Ministry shall not require a safety cab to be tested under Paragraph (7) above unless in their opinion there is reason to believe either that the safety cab is not a safety cab of the model to which the certificate relates or that it is not capable of satisfying the specifications referred to in Paragraph (2) above.

(9) Where a manufacturer fails to comply with a condition of a certificate imposed on him by Paragraph (7) above, the Ministry may, by notice given to him in writing, revoke the certificate forthwith.

(10) Amendment or revocation of a certificate of approval shall not affect any approved safety cab sold before the amendment or revocation takes effect.

(11) Any safety cab approved and marked in accordance with a certificate issued to a manufacturer by the Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland shall be deemed to be properly approved and marked for use in agriculture in Northern Ireland.

Sale and Hire of Tractors and Safety Cabs

4. No person shall—

(*a*) sell a new tractor or let it on hire to a person for use by him in agriculture in Northern Ireland unless it is properly fitted with a safety cab which is—

(i) approved for use with that tractor;

(ii) marked with the approval mark; and

(iii) marked with supplementary marks which include the name of the make and the name or number of the model of that tractor.

(*b*) sell a new safety cab or let it on hire for use in agriculture in Northern Ireland unless it is—

(i) approved; and

(ii) marked with the approval mark and supplementary marks.

Obligations on Employers, Workers and Others

5.—(1) The employer of a worker employed in agriculture shall ensure—

(*a*) that every new tractor driven by that worker in the course of his employment is properly fitted with a safety cab marked with the approval mark; and

(*b*) so far as it is reasonably practicable for him to do so, that every safety cab fitted to a tractor so driven by that worker is approved for use with that tractor.

(2) No worker employed in agriculture shall drive a new tractor in the course of his employment and no person shall cause or permit him to do so unless it is properly fitted with a safety cab marked with the approval mark.

(3) No worker employed in agriculture shall drive a new tractor in the course of his employment if it is fitted with a safety cab which he knows is not approved for use with that tractor, and no person shall cause or permit such a worker to drive a new tractor in the course of his employment if it is fitted with a safety cab which that person knows is not approved for use with that tractor.

(4) Nothing in this Regulation shall apply to a new tractor—

(*a*) while it is being used for the purpose of carrying out an agricultural operation in an orchard where it is not reasonably practicable to use that tractor for the purpose if it is fitted with a safety cab approved for use with that tractor;

(*b*) while it is being driven to or from an orchard for the purpose of or after being used there without an approved safety cab in compliance with Sub-paragraph (*a*) above;

(c) while it is being used inside, or in close proximity to, a building for the purpose of carrying out an agricultural operation involving its use inside that building, where it is not reasonably practicable by reason of the height, shape or construction of the building to use that tractor for the purpose if it is fitted with a safety cab approved for use with that tractor; or

(*d*) while it is being driven to or from any building for the purpose of or after being used there without an approved safety cab in compliance with Sub-paragraph (*c*) above, unless the tractor is at the same time engaged in, or being driven from or to the site of, any agricultural operation for which such a safety cab is required by this Regulation.

Obligation on Workers to Report Overturning or Damage

6. Every worker employed in agriculture to drive or maintain a tractor fitted with a safety cab marked with the approval mark shall forthwith report to his employer—

(*a*) any occasion when the tractor overturns;

(*b*) any damage caused to the safety cab or to the fittings which secure it to the tractor; or

(c) any defect in the windscreen wiper if one is fitted.

Restrictions on Marking of Safety Cabs

7.—(1) No person other than the manufacturer of a safety cab shall, without the consent of the Ministry in writing, apply to it any mark calculated to suggest—

(*a*) that the safety cab is approved; or

(*b*) that the safety cab is approved for use with a tractor of a specified description;

whether the safety cab is so approved or not.

(2) Subject to the provisions of Paragraph (3) below, no person shall apply to a safety cab any mark calculated falsely to suggest—

(*a*) that the safety cab is approved; or

(*b*) that the safety cab is approved for use with a tractor of a specified description.

(3) The application of a mark to a safety cab by a manufacturer before the time when it is first sold or let on hire shall not give rise to a contravention of Paragraph (2) above unless the mark remains on the safety cab until that time, in which case the manufacturer shall be deemed for the purposes of that paragraph to have applied the mark to the safety cab at that time.

(4) No person other than the manufacturer of a safety cab shall, without the consent of the Ministry in writing, alter, remove, obliterate or deface any mark on that safety cab which is, or which purports to be, a mark required by these Regulations.

(5) For the purpose of this Regulation a person applies a mark to a safety cab if he affixes or annexes it to or in any manner marks it on or incorporates it with, the safety cab.

Certificates of Exemption

8.—(1) Notwithstanding anything in these Regulations the Ministry may grant certificates exempting, for such periods and subject to such conditions, if any, as may be specified therein, particular cases or particular persons from the operation of all or any of the provisions of these Regulations.

(2) Any breach of a condition imposed by such a certificate of exemption shall, while it continues, render the certificate void in relation to any tractor or safety cab affected by the breach.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this 18th day of March 1970.

(L.S.)

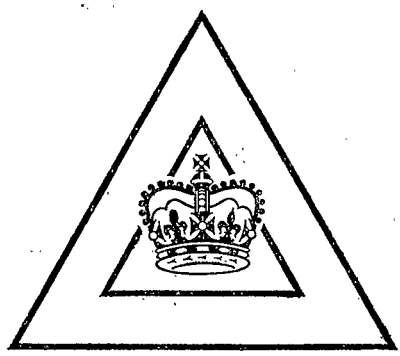
A. McKelvie,
Assistant Secretary.

SCHEDULE

PART I

Marks on Safety Cabs

1. The approval mark on a safety cab shall be a crown inside a triangle, viz.



2. The supplementary marks on a safety cab shall be—

(*a*) the name of the make, and the name or number of the model of every tractor for use with which the safety cab is approved at the time of marking; and

(*b*) the serial number of the cab.

PART II

Manner in which Safety Cabs are to be marked

Safety cabs shall be marked in the following manner:—

(*a*) Every mark required by these Regulations shall be on the main structure of the safety cab.

(*b*) Every such mark shall be clear, legible and permanent and in a prominent and easily accessible position.

(*c*) The name of the make or model of a tractor may be represented by a recognisable abbreviation of that name.

(*d*) Where a model of tractor is referred to, it shall be described in such a way as not to include any tractor for use with which the safety cab is not approved.

(*e*) Supplementary marks shall be as near as is reasonably practicable to the approval mark and to each other.

EXPLANATORY NOTE

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

These Regulations require new tractors and other tractors being used for the first time in Northern Ireland for agricultural purposes on or after 1st September 1970, to be fitted with safety cabs (an expression which includes safety frames) when driven by workers employed in agriculture, except where it is not practicable to do so in orchards and buildings. Tractors first sold for use in agriculture in Northern Ireland before the 1st September 1970, will not be affected by these Regulations.

Provision is made for the issuing of certificates of approval to manufacturers for safety cabs approved by the Ministry of Agriculture. Safety cabs which have been approved and marked in accordance with a certificate issued to a manufacturer by the Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland, acting jointly, are acceptable for use in Northern Ireland.

Provision is also made for the markings of approved safety cabs by their manufacturers with a symbol of a crown inside a triangle, together with supplementary marks. Restrictions are imposed on the application of marks to safety cabs, and on their alteration or removal. The application of false marks is prohibited.

It is made an offence for a worker to drive a new tractor, or for anyone to cause or permit him to do so, without a marked safety cab, or if it is known that a safety cab with which it is fitted is not approved, and employers must ensure that marked and, so far as is reasonably practicable, approved safety cabs are fitted. Workers are obliged to report overturning or damage.

Tractors must be properly fitted with approved and appropriately marked safety cabs when they are first sold or let on hire to a person for use by him in agriculture, and no new safety cab may be sold or let on hire unless it is both approved and marked. The Ministry is given power to issue certificates of exemption.

The object in bringing some of these Regulations into force on the date on which they are made is for the limited purpose of enabling safety cabs to be approved and properly marked.