1978 No. 33

AGRICULTURAL EMPLOYMENT SAFETY, HEALTH AND WELFARE

The Agriculture (Tractor Cabs) Regulations (Northern Ireland) 1978

Made . . . . . *2nd February* 1978

Coming into operation . . . *1st April* 1978

The Department(a) 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(b) and of all other powers enabling it in that behalf, and 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 may be cited as the Agriculture (Tractor Cabs) Regulations (Northern Ireland) 1978 and shall come into operation on 1st April 1978.

Interpretation and application

2.—(1) In these regulations—

"adequate" in relation to a hearing protector means that the device is capable of reducing the level of noise heard by the wearer to not more than 90 dBA if tested in accordance with British Standard Specification No. BS 5108: 1974(c);

"approval mark" means either of the marks, incorporating a crown inside a triangle, illustrated in paragraph 1 of Part I of the Schedule;

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

"building" includes any underground premises;

"hearing protector" means a device worn to reduce the level of noise heard by the wearer;

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

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

"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;

"supplementary marks" means the marks described in paragraph 2 of Part I of the Schedule;

(a) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para 8(1)
(b) 1959 c. 24 (N.I.)
(c) British Standard Method of measurement of attenuation of hearing protectors at threshold: published by the British Standards Institution, 2 Park Street, London W1A 2BS.

"tractor" means a wheeled tractor weighing 559 kilograms (11 cwt.) or more when assembled in the lightest form commercially available, without water, fuel or lubricating oil, but does not include a half-tracked vehicle or a steam traction engine.

(2) For the purposes of these regulations a tractor or a safety cab which is made the subject of a contract for hire purchase shall be deemed to be sold, and not let on hire.

(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 (including protection from noise) for which it is designed, and

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

(4) Where the first sale, letting on hire or loan of a tractor for use in agriculture by the purchaser, hirer or borrower, as the case may be, occurred before 1st September 1970, regulations 4(*c*) and 5 shall not apply to that tractor until 1st January 1980.

Approved safety cabs

3.—(1) Subject to the following provisions of this regulation the Department 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 Department shall be satisfied that safety cabs of the model to which it relates would be capable of satisfying the requirements relating to protective cabs set out in British Standard Specification No. BS 4063: 1973(**d**), when fitted to tractors of the descriptions specified in the certificate.

(3) In the case of a certificate of approval issued in respect of a safety cab to be marked with the approval mark at 1(1) of Part I of the Schedule, the Department shall further be satisfied, before issuing the certificate, that the noise levels inside safety cabs of the model to which it relates, when fitted to tractors of descriptions specified in the certificate, would not be more than 90 dBA if tested in accordance with the British Standard Specification referred to in paragraph (2).

(4) Where a certificate of approval is issued for any model of safety cab in respect of which the Department has been satisfied as to the matters specified in paragraph (3), the fact shall be stated in the certificate.

(5) 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.

(6) 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.

(**d**) British Standard Specification for the requirements and testing of protective cabs and frames for agricultural wheeled tractors: published by the British Standards Institution, 2 Park Street, London W1A 2BS.

(7) 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.

(8) The Department 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.

(9) 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 appropriate approval mark and supplementary marks before it is sold or let on hire; and

(*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 Department any safety cab manufactured by him;

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

(10) The Department shall not require a safety cab to be tested under paragraph (9) unless in its 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 British Standard Specification referred to in paragraph (2).

(11) Where a manufacturer fails to comply with a condition of a certificate imposed on him by paragraph (9), the Department may by notice given to him in writing revoke the certificate forthwith.

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

(13) 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 under the Agriculture (Tractor Cabs) Regulations 1974(**e**) 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 appropriate approval mark; and

(iii) marked with supplementary marks which relate to that approval mark and 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 appropriate approval mark and supplementary marks.

(**e**) S.I. 1974/2034 (1974 III, p. 7863).

(*c*) let a tractor on hire for use in agriculture in Northern Ireland unless it is properly fitted with a safety cab marked with the appropriate approval mark.

Obligations on employers, workers and others

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

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

(*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; and

(*c*) that there is available in each safety cab whose noise levels exceed 90 dBA when tested in accordance with British Standard Specification No. BS 4063: 1973 a set of adequate hearing protectors for the use of a worker while driving that tractor.

(2) No worker employed in agriculture shall drive a 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 appropriate approval mark.

(3) No worker employed in agriculture shall drive a 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 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 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 the 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*);

(*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 the 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*) 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, damage or loss

6. Every worker employed in agriculture who drives or maintains 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;

(*c*) any defect in the windscreen wiper if one is fitted; or

(*d*) the loss of or any damage caused to the hearing protectors provided by his employer.

Restrictions on marking of safety cabs

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

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

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

(*c*) that the safety cab has been approved as being of a particular standard; whether the safety cab is approved or not.

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

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

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

(*c*) that the safety cab has been approved as being of a particular standard.

(3) The application of a mark to a safety cab by its manufacturer before the time when it is first sold or let on hire shall not give rise to a contravention of paragraph (2) 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 Department in writing, alter, remove, obliterate or deface any mark on that safety cab which is, or 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 Department 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 in 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.

Regulations revoked

9. The Agriculture (Tractor Cabs) Regulations (Northern Ireland) 1970(f) are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 2nd February 1978.

(L.S.) *D. J. Alexander*
Assistant Secretary

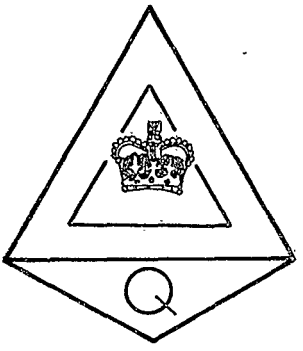
(f) S.R. & O. (N.I.) 1970 No. 52 (p. 255).

SCHEDULE

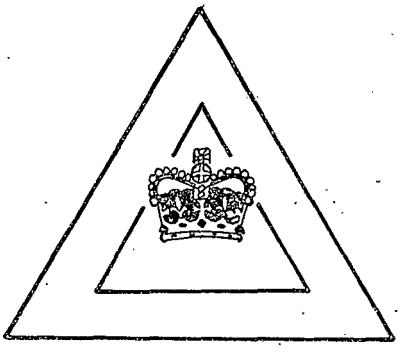
PART I

Marks on Safety Cabs

1.—(1) Where the Department has been satisfied, before issuing a certificate of approval, that the noise levels inside safety cabs of the model to which it relates, when fitted to tractors of descriptions specified in the certificate, would not be more than 90 dBA, if tested in accordance with British Standard Specification No. BS 4063: 1973, the approval mark on an approved safety cab of that model shall be the following symbol:



(2) In any other case the approval mark on an approved safety cab shall be the following symbol:



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 relating to the same approval mark shall be as near as is reasonably practicable to the approval mark and to each other.

(*f*) Where there is more than one approval mark on a safety cab the supplementary marks relating to each shall be separate and clearly distinguishable from those relating to the other.

EXPLANATORY NOTE

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

These regulations revoke and replace the Agriculture (Tractor Cabs) Regulations (Northern Ireland) 1970.

They provide that:—

(1) No new (as defined) tractor for use in agriculture in Northern Ireland shall be sold or let on hire unless it is properly fitted with a safety cab approved for use therewith bearing specified marks.

(2) No new (as defined) safety cab shall be so sold or hired unless it is approved and bears specified marks.

(3) No used tractor shall be let on hire unless it is properly fitted with a safety cab approved for use therewith.

The Department of Agriculture is given power to issue certificates of exemption.

Tractors must 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, let on hire or loaned for use in agriculture before 1st September 1970 are not required to have safety cabs fitted before 1st January 1980, but from 1st January 1980 such tractors must be fitted with safety cabs when let on hire for use in agriculture or driven by a worker employed in agriculture.

It is an offence for a worker to drive a 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.

An employer must provide a set of adequate (as defined) hearing protectors for the use of a worker driving a tractor with a safety cab marked with the approval mark at Paragraph 1(2) of Part I of the Schedule of the regulations. Workers are not obliged to wear the hearing protectors thus provided but they must report loss of or damage to the same.

The Department of Agriculture is empowered to issue certificates of approval to manufacturers in respect of safety cabs and those approved and marked in accordance with a certificate issued by the Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, are acceptable for use in Northern Ireland.

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This Order has been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. A summary is given in the List of Statutory Rules of a Local Character under the heading ROAD TRAFFIC AND VEHICLES.