

1981 No. 244

HEALTH AND SAFETY**AGRICULTURE****Agriculture (Power Take-off) Regulations. (Northern Ireland) 1981***Made* 20th July 1981*Coming into operation* 1st September 1981

The Department of Agriculture, in exercise of the powers conferred on it by Articles 17(1), (2), (4) and 46(1) of and paragraphs 1(1)(a) and 1(2) of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(a) and of every other power enabling it in that behalf, after consultation with the Health and Safety Agency for Northern Ireland and such other bodies as appear to the Department to be appropriate, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Agriculture (Power Take-off) Regulations (Northern Ireland) 1981 and shall come into operation on 1st September 1981.

Interpretation

2.—(1) In these regulations—

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, livestock breeding and keeping, forestry, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the preparation of land for agricultural use;

“agricultural unit” means land occupied as a unit for agricultural purposes;

“power take-off” means the splined shaft, with or without a spline adaptor, of any tractor intended for transmitting power to any machine by means of the power take-off shaft of that machine;

“power take-off shaft” means, as respects any machine, its shaft (including any couplings, clutches and components rigidly attached to the shaft, up to the first fixed bearing of the machine) intended for attachment to the power take-off of any tractor;

“worker” means a person employed under a contract of service and “employer” and “employed” shall have corresponding meanings.

(2) Any vehicle having a splined shaft intended for transmitting power to any machine by means of the power take-off shaft of that machine shall be deemed to be a tractor for the purposes of these regulations.

Guarding of power take-off

3.—(1) A person shall not sell or let on hire a tractor for use in agriculture in Northern Ireland unless the power take-off of that tractor is guarded in accordance with paragraph (2)(a).

(2) The employer of a worker employed in agriculture shall not cause or permit to be used on an agricultural unit on which such worker is employed, and a worker

employed in agriculture shall not use, any tractor having a power take-off, while the engine is in motion unless—

- (a) the power take-off is guarded by a shield so designed, and so attached to the tractor, that it protects a worker from coming in contact, from above or from either side, by any part of his body or by any part of his clothing, with the power take-off of that tractor, or
- (b) the power take-off is not in use and is completely enclosed by a static cover so attached to the tractor that contact with any part of the power take-off is impossible.

(3) A shield required by paragraphs (1) and (2)(a) shall meet the requirements set out in British Standard Specification No. BS 5861: 1980(a) in relation to dimensions and shall be substantially constructed of metal or other suitable material and shall be capable, when attached to a tractor, of supporting a load of not less than 120 kilograms.

Guarding of power take-off shaft

4.—(1) Subject to the provisions of this regulation, the employer of a worker employed in agriculture shall not cause or permit to be used on an agricultural unit on which such worker is employed, and a worker employed in agriculture shall not use, any machine having a power take-off shaft unless the entire length of the shaft while in motion is wholly enclosed within a guard so designed and so attached to the machine that it protects a worker from coming in contact, by any part of his body or by any part of his clothing, with any part of the power take-off shaft of that machine.

(2) Subject to paragraph (3), paragraph (1) shall not apply to a machine that is so constructed and maintained that it provides no less protection than would be provided by a guard meeting the requirements of paragraph (1).

(3) Where a machine is so constructed and maintained as to provide the protection required by paragraph (1) in respect of only a part of the power take-off shaft of the machine, paragraph (1) shall apply to that machine in respect of any part of that shaft in respect of which such protection is not provided.

(4) Every guard required by this regulation shall be substantially constructed and shall be maintained in good condition.

Certificates of exemption

5. Notwithstanding anything in these regulations the Department may grant certificates exempting (for such periods as may be specified therein and subject to such conditions, if any, as may be so specified) particular cases or particular persons from the operation of the provisions of these regulations, and where any such conditions are imposed, an employer of a worker employed in agriculture and a worker so employed, to whom any such certificate applies, shall comply with those conditions.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 20th July 1981.

(L.S.)

D. J. Alexander

Assistant Secretary

(a) British Standard Specification for power take-offs and drawbars on agricultural tractors: published by the British Standards Institution, 2 Park Street, London W1A 2BS.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations prohibit the sale or letting on hire of a tractor for use in agriculture unless the power take-off of that tractor is guarded in accordance with the Regulations.

The Regulations also prohibit the use, where workers are employed in agriculture, of machinery having a power take-off or power take-off shaft unless such power take-off or power take-off shaft is guarded in the prescribed manner.

1981 No. 245

This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROAD TRAFFIC AND VEHICLES.