

1989 No. 309

HEALTH AND SAFETY

AGRICULTURE

**Agriculture (Safeguarding of Workplaces) Regulations
(Northern Ireland) 1989**

Made 31st July 1989

Coming into operation 18th September 1989

The Department of Agriculture being the Department concerned(a), in exercise of the powers conferred on it by Article 17(1), (2), (4) and (5) of and paragraphs 1(1), 1(2), 1(3), 8, 14(1) and 17 of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978(b) and of every other power enabling it in that behalf, after consultation, in accordance with Article 46(1) of that Order, 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 (Safeguarding of Workplaces) Regulations (Northern Ireland) 1989 and shall come into operation on 18th September 1989.

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;

“the Department” means the Department of Agriculture;

“employee” means an individual who works under a contract of employment in agriculture;

“the Order” means the Health and Safety at Work (Northern Ireland) Order 1978;

(2) Expressions used in Parts II and III of the Schedule of which there are definitions in Part I thereof have the meanings thereby assigned to them.

(a) See S.I. 1978/1039 (N.I. 9) Art. 2(2)

(b) S.I. 1978/1039 (N.I. 9)

Obligations applicable to employers, occupiers and employees

3.—(1) Subject to the provisions of these Regulations—

- (a) the employer of an employee who works on an agricultural unit of which the employer is the occupier, and
- (b) the occupier of an agricultural unit on which an employee is employed to work by an employer other than the occupier of that unit,

shall not cause or permit an employee, in the course of his employment, to work at or to use any place on that unit unless the requirements applicable to such a place contained in Part II of the Schedule (requirements applicable to employers and occupiers) are complied with.

(2) Every employee who works on an agricultural unit shall comply with the requirements contained in Part III of the Schedule (requirements applicable to employees).

(3) This regulation shall not apply in respect of an employee while working on the construction, alteration or maintenance of a building on an agricultural unit.

Certificates of exemption

4. 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 and an employee, to whom any such certificate applies shall comply with those conditions.

Sealed with the Official Seal of the Department of Agriculture on 31st July 1989.

(L.S.)

I. C. Henderson

Assistant Secretary

SCHEDULE

PART I

Regulation 2(2)

Interpretation

In this Schedule—

“cover” includes a grid which affords an employee no less protection against falling than would be afforded by a cover other than a grid;

“floor” means any structural surface within a building, or forming part of a building, on which an employee has to work, or over or across which he has to pass in connection with his work, but does not include any part of a stairway;

“stairway” means a permanent staircase or a permanently fixed ladder being a staircase or ladder which is either within a building or gives access to a building or to part of a building;

“step” means, in relation to any stairway, any tread or rung thereof; and

“stile” means the side-rail of a ladder into which the steps are fitted.

PART II

Regulation 3(1)

Requirements applicable to employers (or, in certain cases, to occupiers)*General*

1. Every stairway and every floor shall be as safe as is reasonably practicable for the purposes for which it is used.

Construction and maintenance of stairways

2.—(1) A step of a stairway shall not depend for its support on being secured solely by nails, screws or other similar fixing.

(2) Nothing in sub-paragraph (1) shall prevent the steps of a stairway from being supported by brackets or bearers which are secured in such a manner.

(3) A stairway shall not have any step missing or any defect likely to weaken the stairway which reasonable examination would disclose.

Handrails for certain stairways

3.—(1) Subject to the provisions of this paragraph, every stairway shall be fitted with a handrail—

(a) on the open side of the stairway;

(b) on each side of the stairway where it has two open sides; or

(c) on either side of the stairway where it has no open sides.

(2) Every handrail fitted in accordance with the provisions of this paragraph—

(a) shall be of wood, metal or other suitable material, and shall be smooth and rigid;

(b) shall be of adequate strength and shall be securely fixed in position; and

(c) shall extend the whole length of the stairway except where the handrail would obstruct access to the stairway.

(3) This paragraph shall not apply to a stairway—

(a) which extends less than 920 millimetres measured vertically from the ground, or floor level, on which the bottom of the stairway rests; or

(b) to which paragraph 4 applies.

Special provision for steep stairways

4.—(1) This paragraph applies to a stairway which is at an angle of 30 degrees or less from the vertical.

(2) Every stairway to which this paragraph applies shall be provided with a secure handhold for use by an employee at the highest point at which he has to get on or off the stairway, whether by extension of at least one stile for not less than 920 millimetres above such point or by some other means.

(3) Every fixed ladder to which this paragraph applies—

(a) shall be constructed and installed to comply with British Standard Specification No. BS 4211, 1987, Section 3, Class B Ladders(a) (as revised or reissued from time to time);

(b) if rising over 2.5 metres from ground level or a lower platform, shall be provided with safety hoops as specified in the British Standard Specification referred to in head (a);

(c) if rising over 2.5 metres from ground level, shall be so constructed and installed that the lower portion of the ladder can be removed or obstructed to prevent unauthorised access.

Apertures in floors and walls, and edges of floors

5.—(1) Subject to the provisions of this paragraph, every aperture in a floor, being an aperture through which an employee is liable to fall more than 1.5 metres, shall be guarded by—

(a) a cover; or

(b) a fence not less than 920 millimetres high; or

(c) a guard rail not less than 920 millimetres nor more than 1.05 metres above the level of the floor.

(2) Subject to the provisions of this paragraph, every edge of a floor, being an edge of a floor from which an employee is liable to fall more than 1.5 metres, shall be guarded by—

(a) a fence not less than 920 millimetres high; or

(b) a guard rail not less than 920 millimetres nor more than 1.05 metres above the level of the floor.

(3) Sub-paragraph (2) shall not apply where a floor terminates at an aperture in a wall.

(4) Subject to the provisions of this paragraph, every aperture in a wall in a building, being an aperture through which an employee is liable to fall more than 1.5 metres shall be guarded by—

(a) a door or fence not less than 920 millimetres high; or

(b) a guard rail not less than 920 millimetres nor more than 1.05 metres above the level of the floor.

(5) Sub-paragraph (4) shall not apply if—

(a) the height of the aperture from top to bottom does not exceed 1.2 metres; or

(b) the bottom of the aperture is more than 920 millimetres above the floor.

(6) Every cover, door, fence or guard rail fitted in accordance with the provisions of sub-paragraphs (1), (2) and (4) shall be of adequate strength, shall (except as

(a) British Standard Specification for ladders for permanent access to chimneys, other high structures, silos and bins published by the British Standards Institution, 2 Park Street, London, W1A 2BS

provided by sub-paragraph (8)) be securely fixed in position, or, in the case of any door, shall be kept shut, and shall be properly maintained.

(7) Every guard rail shall be so fitted that it is not outside a line plumb with the edge of the aperture or of the floor to be guarded but a guard rail may be fitted not more than 250 millimetres outside such a line if there is also fitted within such distance of 250 millimetres an intermediate rail which is not less than 460 millimetres nor more than 530 millimetres above the level of the floor.

(8) A cover or door fitted in accordance with the provisions of this paragraph shall not be opened or removed, and a fence or guard rail so fitted shall not be removed—

- (a) except for the time and to the extent necessary for the access of persons or the movement of materials; and
- (b) unless there is a secure handhold available for use when the cover, fence or guard rail is not in position, or, as the case may be, the door is open, (except, that a handhold shall not be necessary where the cover consists of a self-closing trap door).

(9) This paragraph shall not apply to an aperture, or to an edge of a floor, used as access to a stairway.

Grain pits, wells, slurry tanks or similar structures

6.—(1) Every grain pit, well, slurry tank or similar structure into which an employee is liable to fall more than 1.5 metres shall be guarded by—

- (a) a cover; or
- (b) a fence not less than 920 millimetres high; or
- (c) a guard rail not less than 920 millimetres nor more than 1.05 metres above the level of the ground.

(2) Every cover, fence or guard rail fitted in accordance with the provisions of sub-paragraph (1) shall be of adequate strength, shall (except as provided by sub-paragraph (4)) be securely fixed in position, and shall be properly maintained.

(3) Every guard rail shall be so fitted that it is not outside a line plumb with the edge of the grain pit, well, slurry tank or similar structure to be guarded.

(4) A cover, fence, or guard rail shall not be opened or removed except for the time and to the extent necessary for the access of persons or the movement of equipment or materials.

(5) Every grain pit, well, slurry tank or similar structure other than those located in buildings which can be secured, shall be guarded by a cover or be surrounded by a secure fence or wall not less than 1.4 metres high of which the bottom 1.2 metres must be constructed of such material or in such a way that it cannot be climbed.

(6) Every fence or wall fitted in compliance with sub-paragraph (5) shall be substantially constructed of durable materials.

(7) Every access point in the fence shall be protected by gates or doors with secure latches in order to provide equivalent protection.

(8) At every access point provided for equipment a substantial guard rail, kerb or other device shall be provided in all situations where the equipment can fall 600 millimetres or more.

Silage

7.—(1) Where a silo or similar structure is erected to contain silage or other material which may be consolidated using a tractor or similar vehicle, a barrier, fence, guard rail or beam shall be securely fixed in position at any place from which the vehicle is liable to fall 600 millimetres or more.

- (2) Such barrier, fence, guard rail or beam shall be of adequate strength.

Personnel hatches in feed and grain storage bins

8. Every personnel hatch on unsealed silos and sealed grain or forage bins which are first supplied for use in agriculture on or after 18th September 1989 shall—

- (a) on unsealed silos carry a warning sign complying with Part I of British Standard Specification No. BS5378: 1980(a) (as revised or re-issued from time to time), accompanied by a clearly legible notice bearing the words — “Risk of falling contents: Do not remove if contents above level of hatch: Do not enter or lean into bin if meal lodged overhead.”;
- (b) on sealed grain or forage bins carry a warning sign complying with Part I of British Standard Specification No. BS5378: 1980 (as revised or re-issued from time to time) accompanied by a clearly legible notice bearing the words — “Dangerous gases inside: Keep out until empty and structure has been thoroughly ventilated.”.

PART III

Regulation 3(2)

Requirements Applicable to Employees*Non-removal of safety appliances*

1. Without prejudice to Article 9 of the Order (which makes it a duty for a person not to interfere with or misuse intentionally, or recklessly, anything provided in the interest of health, safety or welfare in pursuance of any of the relevant statutory provisions), an employee shall not open or remove any cover or door, fence or guard rail, except as permitted under Part II.

Reporting of defects

2.—(1) Subject to the provisions of this paragraph, if—

- (a) any step of a stairway, or
- (b) any handrail, cover, fence, guard or guide rail, barrier or beam (of the respective kinds required under Part II) which has been fitted to anything which has to be guarded in accordance with Part II,

is or becomes defective within the meaning of this paragraph, any employee who has to use that stairway, or (as the case may be) has to work where such cover, fence, guard or guide rail, barrier or beam is fitted shall, on discovering that it is defective, forthwith report the fact to his employer and shall cease to use the workplace affected until the defect has been remedied.

(2) A step of a stairway is defective within the meaning of this paragraph if it is missing or broken.

(3) A handrail, cover, fence, guard or guide rail, barrier or beam is defective within the meaning of this paragraph if it is broken or so distorted as to cease to meet the requirements contained in Part II.

(4) Nothing in this paragraph shall absolve an employer from complying with the requirements contained in Part II.

(a) British Standard Specification for colour and design of safety signs: 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 employers who are the occupiers of agricultural units and occupiers, on whose unit the employee of another employer is working, from causing or permitting an employee to work at or use certain places on agricultural units unless the requirements in Part II of the Schedule are complied with (Regulation 3(1)).

They also provide that employees shall comply with the requirements in Part III of the Schedule (Regulation 3(2)).

The requirements of Part II relate to the construction and maintenance of stairways, the provision of handrails at stairways, special provisions for steep stairways, the guarding of apertures in floors and walls, and edges of floors, grain pits, wells, slurry tanks or similar structures and the protection required at silos or similar structures.

A further requirement of Part II of the Schedule is that all personnel hatches on unsealed silos and sealed grain or forage bins which are first supplied for use in agriculture on or after 18th September 1989 must carry a warning sign which complies with Part I of British Standard Specification No. BS 5378: 1980 (obtainable from British Standards Institution, 2 Park Street, London W1A 2BS) accompanied by a warning notice.

The requirements of Part III prohibit employees from opening or removing safety appliances except as provided for in the Regulations. They also require employees to report certain defects to employers and to cease to use the workplace affected until the defect has been remedied. Employees working on the construction, alteration or maintenance of buildings on agricultural units are excluded from the scope of the Regulations (Regulation 3(3)).

The Department of Agriculture has power to grant certificates exempting particular cases or particular persons from the operation of the Regulations (Regulation 4).

Any person who contravenes these Regulations is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable on summary conviction to a fine not exceeding £2,000 or, on conviction on indictment, to a fine.