

1989 No. 414

HEALTH AND SAFETY**AGRICULTURE****Agriculture (Stationary Machinery) Regulations
(Northern Ireland) 1989***Made* 23rd October 1989*Coming into operation—*

<i>for the purposes of regulation 4(1)(b) and (2) and paragraph 10 of Part II of the Schedule</i>	<i>11th December 1990</i>
<i>for all other purposes</i>	<i>11th December 1989</i>

The Department of Agriculture being the Department concerned(a), in exercise of the powers conferred by Article 17(1), (2), (4) and (5) of and paragraphs 1(1), (2) and (3), and 14(1) 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 (Stationary Machinery) Regulations (Northern Ireland) 1989 and shall come into operation for the purposes of regulation 4(1)(b) and (2) and paragraph 10 of Part II of the Schedule on 11th December 1990 and for all other purposes on 11th December 1989.

Interpretation

2. 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;

“compulsory school age” has the meaning assigned to it by Article 46 of the Education and Libraries (Northern Ireland) Order 1986(c);

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

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

(c) S.I. 1986/594 (N.I. 3)

“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;

“prime mover” means any engine, motor, turbine or other source of motion used to power a machine whether or not it is designed for stationary use only;

“stationary machine” means any machine (together with any transmission machinery used therewith) designed or adapted for stationary use only, and includes any prime mover which is so designed or adapted;

Obligations affecting employers and employees

3. Subject to the provisions of these Regulations —

(a) an employer shall not cause or permit an employee, in the course of his employment, to work at a stationary machine unless the requirements contained in Part II of the Schedule (requirements applicable to employers, installers and suppliers) are complied with;

(b) every employee who, in the course of his employment, works at a stationary machine shall comply with the requirements contained in Part III of the Schedule (requirements applicable to employees).

Installation and supply of stationary machinery

4.—(1) A person shall not —

(a) install or cause or permit to be installed for use in agriculture in Northern Ireland, a stationary machine unless the requirements contained in paragraphs 1 and 3 to 7 of Part II of the Schedule are complied with;

(b) supply for use in agriculture in Northern Ireland, a stationary machine unless the requirements contained in paragraph 10 of Part II of the Schedule are complied with.

(2) Where a person (“the ostensible supplier”) supplies a stationary machine for use in agriculture in Northern Ireland to another (“the customer”) under a hire-purchase agreement, conditional sale agreement or credit-sale agreement and the ostensible supplier —

(a) carries on the business of financing the acquisition of goods by others by means of such agreements; and

(b) in the course of that business acquired his interest in the stationary machine supplied to the customer as a means of financing its acquisition by the customer from a third person (“the effective supplier”),

the effective supplier and not the ostensible supplier shall be treated for the purposes of this regulation as supplying the stationary machine to the customer, and any duty imposed by this regulation on suppliers shall accordingly fall on the effective supplier and not on the ostensible supplier.

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

Sealed with the Official Seal of the Department of Agriculture on 23rd
October 1989.

(L.S.)

I. C. Henderson

Assistant Secretary

SCHEDULE

PART I

Interpretation

1.—(1) In this Schedule —

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

“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;

“primary driving belt” means a belt for transmitting power from the driving pulley of a prime mover to any stationary machine (other than a prime mover);

“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.

(2) References in this Schedule to an employee coming in contact with any part of a stationary machine, or prime mover that is not a stationary machine, shall be construed as references to his coming in contact therewith, either directly or by means of his clothes.

PART II

regulations 1, 3(a) and 4(1)

Requirements applicable to employers, installers and suppliers*Components of stationary machinery*

1.—(1) Subject to the provisions of this paragraph, every component of a stationary machine, being a component to which this paragraph applies, shall be so situated or so guarded as to protect an employee from coming in contact with such component.

(2) Without prejudice to the generality of sub-paragraph (1) a component to which this paragraph applies, and any part of such a component, shall be deemed to be so situated as aforesaid if it is more than 2 metres from every floor, platform, staircase, fixed ladder or other place to which an employee has access in the course of his employment.

(3) The components of a stationary machine to which this paragraph applies are any shafting, pulley, flywheel, gearing, sprocket, chain, belt, or, as respects any fan, (in addition to any of the foregoing components) any wing or blade thereof.

(4) This paragraph shall not apply to a shaft to which the Agriculture (Power Take-off) Regulations (Northern Ireland) 1988(a) apply, and shall only apply to a primary driving belt if the prime mover and the stationary machine which it drives by means of such belt are both permanently fixed installations.

(5) Nothing in this paragraph shall require the guarding, elsewhere than at the run-on points, of any chain or belt moving at less than 0.15 metres per second, or of any conveyor chain or belt for the movement of materials.

Primary driving belts

2.—(1) Whenever power is transmitted by means of a primary driving belt from a prime mover to a stationary machine (other than a prime mover), either one or both of which are not permanently fixed installations, every run-on point both on the prime mover and on the stationary machine shall be so situated or so guarded as to protect an employee from coming in contact therewith.

(2) Without prejudice to the generality of sub-paragraph (1), a run-on point shall be deemed to be so situated as aforesaid if it is more than 2 metres from every floor, platform, staircase, fixed ladder or other place to which an employee has access in the course of his employment.

Guarding of certain feed inlets and discharge outlets

3.—(1) The feed inlet and discharge outlet of every stationary machine having internal moving parts shall be so guarded as to protect an employee from coming in contact with those internal moving parts.

(2) The requirements contained in this paragraph shall be in addition to and not in derogation of the requirements contained in paragraph 1.

*Means to be provided for quickly stopping machinery**General provisions*

4.—(1) Every prime mover from which power is transmitted to a stationary machine (other than a prime mover) shall be provided with a readily accessible device (whether or not a switch) by means of which the prime mover may quickly be stopped.

(2) Such device shall be situated on or near the prime mover unless the prime mover —

- (a) is more than 2 metres from every floor, platform, staircase, fixed ladder or other place to which an employee has access in the course of his employment, or
- (b) is otherwise so situated or guarded as to protect an employee from coming into contact therewith.

(3) Every stationary machine, or prime mover driving that stationary machine, shall be fitted with a clutch or other device, readily accessible to the operator of the machine, by means of which the power transmitted from the prime mover may quickly be disconnected, or the prime mover stopped, unless the machine is so constructed to prevent the operator from coming in contact with any moving component.

(4) Notwithstanding anything in sub-paragraph (3), the means of disconnecting the power to any stationary machine at which an employee dresses or handles agricultural produce on or near any moving part of such machine, shall be within reach of every such employee (or, if at any such machine there is more than one such employee, within reach of one of them) from his working position.

(5) Where any such stationary machine as is mentioned in sub-paragraph (4) has two or more stages, the provisions of sub-paragraphs (3) and (4) shall apply in relation to each stage thereof at which an employee is employed to work.

(6) Every device for stopping a prime mover in accordance with sub-paragraph (1) and every device for disconnecting the power to a stationary machine or prime mover driving that stationary machine in accordance with sub-paragraph (3), shall be so constructed and maintained that the power cannot be reconnected by vibration.

Special provisions for switches

5.—(1) At every switch controlling a prime mover it shall be clearly indicated how the prime mover may be stopped.

(2) At every switch controlling a prime mover it shall be clearly indicated which prime mover the switch controls except where any such switch is mounted on the prime mover which it controls, or on a stationary machine (other than a prime mover) of which a prime mover is an integral part.

(3) Where a prime mover, or a stationary machine (other than a prime mover) of which a prime mover is an integral part, 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 sub-paragraph (3) “manually operated” means operated by hand, foot or other bodily means.

Guards

6. Every guard required by this Schedule shall be substantially constructed.

Controls

7. At every control operating a stationary machine and every device by means of which the power from a prime mover to a stationary machine may be disconnected there shall be clearly indicated the function of that control.

Maintenance of belts and guards

8.—(1) Every belt (including a primary driving belt) together with its fastenings, which is used in connection with a stationary machine, shall be properly maintained, and no such belt shall rest or ride directly on a revolving shaft when not in use.

(2) Every guard required by this Schedule shall be maintained in good condition.

Lighting

9. At every stationary machine, and at every prime mover used therewith, there shall be adequate natural or artificial light.

Warning sign

10. Every stationary machine —

- (a) which is driven by a power take-off and which is first supplied for use in agriculture on or after 11th December 1990, shall have a warning sign complying with British Standard Specification No. BS5378: 1980(a) (as revised or re-issued from time to time) fixed beside the power input connection, together with a notice showing clearly in letters at least 10 millimetres high the nominal power take-off shaft speed for that machine;
- (b) first supplied for use in agriculture on or after 11th December 1990 and which has as one of its intended functions, the mixing of animal slurry, shall have a warning sign complying with British Standard Specification No. BS5378: 1980 (as revised or re-issued from time to time) fixed in a prominent position together with a notice stating clearly in letters at least 5 millimetres high that mixing of slurry can release dangerous gases and that the machine should not be operated in a confined space.

(a) British Standard Specification for colour and design of safety signs: published by the British Standards Institution, 2 Park Street, London W1A 2BS.

Requirements applicable to employees*Use of safety appliances*

1.—(1) Subject to the provisions of this paragraph, and 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 interests of health, safety or welfare in pursuance of any of the relevant statutory provisions), an employee shall keep in position and shall make full use of every guard, facility or other thing provided which satisfies the requirements of this Schedule.

(2) A guard may be removed from a stationary machine, or from a prime mover that is not a stationary machine, by an employee who has attained the upper limit of compulsory school age —

- (a) while the machine or prime mover is not in motion for so long only as is necessary for cleaning, repair or adjustment; or
- (b) while the machine or prime mover is in motion for so long only as is necessary for carrying out any essential adjustment, being an adjustment which cannot be carried out unless the machine or prime mover is in motion.

(3) Nothing in sub-paragraphs (1) and (2) shall prevent a guard from being temporarily removed from a prime mover by an employee who has attained the upper limit of compulsory school age if its removal is necessary in order to start the prime mover by hand.

Damaged guards

2.—(1) If any guard required under Part II which has been fitted to a stationary machine, or any component thereof, or to a prime mover that is not a stationary machine, or any component thereof, is or becomes damaged, any employee employed to operate that machine or prime mover shall, on discovering that it is damaged, stop using the machine forthwith and report the damage to his employer.

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

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations prohibit an employer from causing or permitting an employee to work at a stationary machine (as defined in regulation 2) unless the requirements of Part II of the Schedule are complied with (regulation 3). These requirements deal with the guarding or situating of specified components such as shafting, pulleys, flywheels and other components, the proper maintenance of guards and belts, the fitting of devices for stopping a machine quickly, indicating the functions of controls and the provision of adequate lighting.

A further requirement of Part II of the Schedule is that —

- (a) every stationary machine which is driven by a power take-off and which is first supplied for use in agriculture on or after 11th December 1990 must carry, along with a warning notice stating the nominal power take-off shaft speed, a warning sign which complies with British Standard Specification No. BS5378: 1980 (obtainable from British Standards Institution, 2 Park Street, London W1A 2BS); and
- (b) every stationary machine which is first supplied for use in agriculture on or after 11th December 1990 and which has as one of its intended functions the mixing of animal slurry must carry a warning notice stating that the mixing of the slurry can release dangerous gases and that the machine should not be operated in a confined space, along with a warning sign which complies with British Standard Specification No. BS5378: 1980.

The supply of stationary machinery for use in agriculture in Northern Ireland in contravention of the requirements mentioned in (a) or (b) above is prohibited (regulation 4(1)(b)).

As specified in Part III of the Schedule, employees must keep guards, facilities and other things provided which satisfy the requirements of the Schedule in position (except under prescribed conditions) and make full use of them. On discovering that a guard is damaged an employee must stop using the machine and report the damage to his employer.

A stationary machine must not be installed for use in agriculture in Northern Ireland unless the requirements of paragraphs 1 and 3 to 7 of Part II of the Schedule are met (regulation 4(1)(a)).

The Department of Agriculture has power to grant certificates exempting particular cases or particular persons from the operation of the Regulations (regulation 5).

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.