



# Agriculture (Safety, Health and Welfare Provisions) Act 1956

1956 CHAPTER 49 4 and 5 Eliz 2

An Act to provide for securing the safety, health and welfare of persons employed in agriculture and certain other occupations and the avoidance of accidents to children arising out of the use, in connection with agriculture, of vehicles, machinery or implements; and for purposes connected with the matters aforesaid. [5th July 1956]

## Modifications etc. (not altering text)

- C1 Act extended by [S.I. 1983/1919, regs. 3, 4](#)
- C2 Act amended by [S.I. 1988/1380, reg. 3](#)
- C3 Act: saved by virtue of Health and Safety at Work etc. Act 1974 (c. 37, SIF 43:3), s. 53, [Sch. 1](#) and [Tay Road Bridge Order Confirmation Act 1991 \(c. iv\), Sch. Pt. VII, s. 62](#)
- C4 Act saved by virtue of Health and Safety at Work etc. Act 1974 (c. 37, SIF 43:3), s. 53, [Sch. 1](#) and [Highland Regional Council \(Harbours\) Order Confirmation Act 1991 \(c. xii\), s. 61\(1\)\(f\)](#)

## Commencement Information

- II Act wholly in force at Royal Assent

### *Safety, Health and Welfare of Employees*

#### **1 Regulations for securing safety and health of employees.**

- (1) ..... F1
- (6) A person who contravenes any provision of regulations under this section shall be guilty of an offence.
- (7) ..... F1

*Status: Point in time view as at 22/07/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Agriculture (Safety, Health and Welfare Provisions) Act 1956. (See end of Document for details)*

**Textual Amendments**

**F1** Ss. 1(1)–(5)(7), 2(2) repealed with saving by S.I. 1975/46, reg. 5, **Sch. 1**

**F2** .....

**Textual Amendments**

**F2** S. 2 repealed (1.1.1993) by S.I. 1992/2793, reg. 8(1), **Sch. 2 Pt.I**

**[F3] General provisions as to sanitary conveniences and washing facilities.**

- (1) If it appears to [F4the Health and Safety Executive] that an agricultural unit . . . F5 on which workers are employed in agriculture is without suitable and sufficient sanitary conveniences available for the use of workers so employed, [F4the Executive] shall, by notice to the appropriate person, require him, within such time as may be specified in the notice, to execute such works or take such other steps for the purpose of providing the unit with suitable and sufficient sanitary conveniences available for the use of workers employed thereon in agriculture as may be specified in the notice.
- (2) If it appears to the [F6Health and Safety Executive] that an agricultural unit on which workers are employed in agriculture is without suitable and sufficient washing facilities available for the use of workers so employed, the [F6Health and Safety Executive] shall, by notice to the appropriate person, require him, within such time as may be specified in the notice, to execute such works or take such other steps for the purpose of providing the unit with suitable and sufficient washing facilities available for the use of workers employed thereon in agriculture as may be specified in the notice.
- (3) In considering, for the purposes of this section, whether an agricultural unit is or is not without suitable and sufficient sanitary conveniences available for the use of workers employed on the unit in agriculture or, as the case may be, is or is not without suitable and sufficient washing facilities for the use of workers so employed, regard shall be had to the number and sex of the workers so employed, the location and duration of their work and all other relevant circumstances.
- (4) A notice under this section requiring the execution of works involving the provision of fixed equipment must specify the place where the works are to be executed.
- (5) [F7The Health and Safety Executive shall not serve] a notice under this section requiring the execution of works involving the provision of fixed equipment unless [F7it is satisfied] that special circumstances exist which render requisite the provision of such equipment, and no such notice shall be of any effect unless it states that . . . F8[F9the Executive] is, so satisfied and what those circumstances are.
- (6) For the purposes of this section the expression “appropriate person” means—
  - (a) in the case of a notice requiring the execution, on land comprised in an agricultural holding, of works involving the provision of fixed equipment, the landlord of the holding;
  - (b) in any other case, the occupier of the unit to which the notice relates.

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(7) A person aggrieved by a notice under this section requiring him to execute works involving the provision of fixed equipment may, within twenty-eight days from the service of the notice, appeal to a magistrates' court on any of the following grounds which are appropriate to the circumstances of the case, namely—

- (a) [<sup>F7</sup>that the Health and Safety Executive has] refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary;
- (b) that it is unreasonable to require the execution of the works at the place specified in the notice;
- (c) that the time within which the works are to be executed is not reasonable for the purpose;

and the court may make such order either confirming or quashing or varying the notice as it thinks fit.

(8) A person aggrieved by a decision of a magistrates' court under this section may appeal to [<sup>F10</sup>the Crown Court].

(9) Subject to the rights of appeal conferred by the foregoing provisions of this section and (where an appeal is brought in exercise of any such right) to any order made by the court on the appeal, a person upon whom a notice is served under this section who fails to comply with the requirements of the notice shall be guilty of an offence:

Provided that, in any proceedings under this subsection for an offence consisting in a failure to comply with the requirements of a notice other than one to which subsection (7) of this section applies, it shall be open to the defendant to question the reasonableness of the requirements of the notice.

[<sup>F11</sup>(10) Section nine of the Agricultural Holdings Act, 1948 (which provides for increasing the rent of an agricultural holding upon which the landlord has executed improvements in the circumstances mentioned in subsection (1) of that section) shall have effect as if, in that subsection, the reference to works for the supply of water to the holding included a reference to works executed thereon for the purpose of complying with the requirements of a notice under this section.]]

#### Textual Amendments

- F3** S. 3 repealed (1.1.1993 with respect to certain premises and 1.1.1996 with respect to certain further premises) by S.I. 1992/3004, regs. 1(2)(3), 2, 3, 27, **Sch. 2 Pt. I**
- F4** Words substituted by S.I. 1977/746, **Sch. 2**
- F5** Words repealed by S.I. 1977/746, **Sch. 2**
- F6** Words substituted by S.I. 1976/1247, **Sch. 2**
- F7** Words substituted by S.I. 1977/746, **Sch. 2**
- F8** Words repealed by S.I. 1977/746, **Sch. 2**
- F9** Words substituted by S.I. 1976/1247, **Sch. 2**
- F10** Words substituted by Courts Act 1971 (c. 23, SIF 37), s. 56(2), **Sch. 9 Pt. I**
- F11** S. 3(10) repealed (E.W.) by Agricultural Holdings Act 1984 (c. 41, SIF 2:3), **Sch. 4**

#### Modifications etc. (not altering text)

- C5** The text of s. 3(10) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Status: Point in time view as at 22/07/2004.*

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4 ..... F12

**Textual Amendments**  
F12 S. 4 repealed with saving by S.I. 1975/46, reg. 5, Sch. 1

**[<sup>F13</sup>5 Power of sanitary authority to secure maintenance and cleanliness of sanitary conveniences.**

- (1) If it appears to [<sup>F14</sup>the Health and Safety Executive] that a sanitary convenience provided for the use of workers employed in agriculture on an agricultural unit . . . <sup>F15</sup> (being a convenience provided on the unit or provided in pursuance of regulations under the last foregoing section elsewhere) is not being properly maintained or is not being kept clean, they shall, by notice to the occupier of the unit (or, where the convenience is provided in pursuance of such regulations as aforesaid, to the person who provided it) require him, as the case may be, to take, within such time as may be specified in the notice, such steps for the purpose of securing the proper maintenance of the convenience as may be so specified or to cleanse the convenience forthwith.
- (2) A person who fails to comply with the requirements of a notice under this section shall be guilty of an offence:  
Provided that, in any proceedings under this subsection for an offence consisting in a failure to comply with the requirements of a notice requiring the taking of steps for the purpose of securing the proper maintenance of a convenience, it shall be open to the defendant to question the reasonableness of the requirements of the notice.]

**Textual Amendments**  
F13 S. 5 repealed (1.1.1993 with respect to certain premises and 1.1.1996 with respect to certain further premises) by S.I. 1992/3004, regs. 1(2)(3), 2, 3, 27, Sch. 2 Pt. I  
F14 Words substituted by S.I. 1977/746, Sch. 2  
F15 Words repealed by S.I. 1977/746, Sch. 2

6 (1) ..... F16  
(2) ..... F17  
(4) ..... F18

**Textual Amendments**  
F16 S. 6(1) repealed by S.I. 1981/917, Sch. 1  
F17 S. 6(2)(3) repealed with saving by S.I. 1975/46, reg. 5, Sch. 1  
F18 S. 6(4) repealed by S.I. 1981/917, Sch. 1

*Status: Point in time view as at 22/07/2004.*

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*Measures for Avoiding Accidents to Children*

**F197 Power to prohibit children from riding on or driving vehicles, machinery or implements used in agriculture.**

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**Textual Amendments**

**F19** S. 7 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 2 Group 2

*Notification and Investigation of Accidents and Diseases*

**8** ..... **F20**

**Textual Amendments**

**F20** Ss. 7(1)(2), 8, 10 repealed with saving by S.I. 1975/46, reg. 5, Sch. 1

**9 Inquest in case of death by accident.**

(1) Where a coroner holds an inquest on the body of a person whose death may have been caused by an accident occurring in the course of agricultural operations, the coroner shall adjourn the inquest unless an inspector or some other person on behalf of the appropriate Minister is present to watch the proceedings, and shall, at least four days before holding the adjourned inquest, give to an inspector notice of the time and place of holding the adjourned inquest:

Provided that—

- (a) the coroner, before the adjournment, may take evidence to identify the body and may order the interment thereof; and
- (b) if the inquest relates to the death of not more than one person, the coroner shall not be bound to adjourn the inquest in pursuance of this section if, not less than twenty-four hours before it is held, he informed an inspector of the time and place of the holding thereof.

(2) Where evidence is given at any such inquest at which an inspector is not present of any neglect as having caused or contributed to the accident, or of any defect in any building, structure, machinery, plant, equipment or appliance appearing to the coroner or jury to require a remedy, the coroner shall give to an inspector notice of the neglect or defect.

*Supplementary Provisions*

**10** ..... **F21**

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**Textual Amendments**

**F21** Ss. 7(1)(2), 8, 10 repealed with saving by S.I. 1975/46, reg. 5, **Sch. 1**

**11** ..... **F22**

**Textual Amendments**

**F22** S. 11 repealed by S.I. 1977/746, **Sch. 2**

**12** ..... **F23**

**Textual Amendments**

**F23** S. 12 repealed with saving by S.I. 1975/46, reg. 5, **Sch. 1**

**13** (1) ..... **F24**

(2) ..... **F25**

**Textual Amendments**

**F24** S. 13(1) repealed with saving by S.I. 1975/46, reg. 5, **Sch. 2**

**F25** Ss. 13(2), 14, 15, 17—21 repealed with saving S.I. 1975/46, reg. 5, **Sch. 1**

**14, 15.** ..... **F26**

**Textual Amendments**

**F26** Ss. 13(2), 14, 15, 17—21 repealed with saving S.I. 1975/46, reg. 5, **Sch. 1**

**16 Defence available to persons charged with offences.**

It shall be a defence for a person charged with a contravention of a provision of this Act or of regulations thereunder to prove that he used all due diligence to secure compliance with that provision.

**17—** ..... **F27**  
**21.**

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**Textual Amendments**

**F27** Ss. 13(2), 14, 15, 17—21 repealed with saving S.I. 1975/46, reg. 5, Sch. 1

**22 Application to the Crown.**

Sections one, two and six of this Act and regulations under any of those sections shall, in so far as they impose duties failure to comply with which might give rise to a liability in tort, be binding upon the Crown.

**23** ..... **F28**

**Textual Amendments**

**F28** S. 23 repealed by S.I. 1976/1247, Sch. 2

**24 Interpretation.**

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“agriculture” includes dairy-farming, the production of any consumable produce which is grown for sale or for consumption or other use for the purposes of a trade or business or of any other undertaking (whether carried on for profit or not), and the use of land as grazing, meadow or pasture land or orchard or osier land or woodland or for market gardens or nursery grounds, and “agricultural” shall be construed accordingly;

“agricultural holding”, “fixed equipment” and “landlord” have the same meanings as in the [<sup>F29</sup>Agricultural Holdings Act 1986];

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

..... **F30**

“consumable produce” means produce grown for consumption or for other use after severance from the land on which it is grown;

[<sup>F31</sup> “inspector” means an inspector appointed by the Health and Safety Executive under section 19 of the <sup>M1</sup>Health and Safety at Work etc. Act 1974]

..... **F32**

“worker” means a person employed under a contract of service or apprenticeship and “employer” and “employed” have corresponding meanings;

“young person” means a person who is over compulsory school age [<sup>F33</sup>(construed in accordance with section 8 of the Education Act 1996)], but has not attained the age of eighteen.

(2) Any reference in this Act to a contravention of any provision shall include a reference to a failure to comply with that provision.

(3) ..... **F34**

*Status: Point in time view as at 22/07/2004.*

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- (4) Any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

#### Textual Amendments

- F29** Words substituted by [Agricultural Holdings Act 1986 \(c. 5, SIF 2:3\)](#), ss. 99, 100, [Sch. 13 para. 3](#), [Sch. 14 para. 23](#)
- F30** Definition of “the appropriate Minister” repealed by [S.I. 1976/1247](#), [Sch. 2](#)
- F31** Definition substituted by [S.I. 1976/1247](#), [Sch. 2](#)
- F32** Definition of “sanitary authority” repealed by [S.I. 1977/746](#), [Sch. 2](#)
- F33** Words in [s. 24\(1\)](#) substituted (1.9.1997) by [1996 c. 56, s. 582\(1\)\(4\)](#), [Sch. 37 Pt. II para. 134](#) (with [s. 1\(4\)](#), [561](#), [562](#), [Sch. 39](#)); [S.I. 1997/1623](#), [art. 2\(2\)](#).
- F34** [S. 24\(3\)](#) repealed by [S.I. 1977/746](#), [Sch. 2](#)

#### Marginal Citations

- M1** [1974 c. 37 \(43:3\)](#).

## 25 Application to Scotland.

- (1) The provisions of this section shall have effect for the application of this Act to Scotland.

(2) . . . . . <sup>F35</sup>

<sup>F36</sup>(3) For section three of this Act there shall be substituted the following section—

- (1) If it appears to [<sup>F37</sup>the Health and Safety Executive] that an agricultural unit . . . <sup>F38</sup> on which workers are employed in agriculture is without suitable and sufficient sanitary conveniences or washing facilities available for the use of workers so employed, [<sup>F37</sup>the Executive] shall, by notice served on the appropriate person, require him, within such time as may be specified in the notice, to execute such works or take such other steps for the purpose of providing the unit with suitable and sufficient sanitary conveniences or washing facilities, as the case may be, available for the use of workers employed thereon in agriculture as may be specified in the notice.
- (2) In considering, for the purposes of this section, whether an agricultural unit is without suitable and sufficient sanitary conveniences or washing facilities available for the use of workers employed on the unit in agriculture, regard shall be had to the number and sex of the workers so employed, the location and duration of their work and to all other relevant circumstances.
- (3) [<sup>F37</sup>The Health and Safety Executive] shall not serve a notice under this section requiring the execution of works of the nature of fixed equipment unless they are satisfied that special circumstances exist which render requisite the execution of such works, and no such notice shall be of any effect unless it states that [<sup>F37</sup>the Executive] are so satisfied and what those circumstances are.
- (4) For the purposes of this section the expression “appropriate person” means—



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- (a) in the case of a notice requiring the execution, on land being an agricultural holding, of works of the nature of fixed equipment, the landlord of the holding;
  - (b) in the case of a notice requiring the execution, on land in the occupation of the owner thereof, of works of the nature aforesaid, the owner of the land;
  - (c) in the case of a notice requiring the execution of works other than works of the nature of fixed equipment, or the taking of other steps, the occupier of the unit to which the notice relates.
- (5) Any person aggrieved by a notice under this section may appeal to the sheriff by giving notice of appeal within twenty-one days after the date of the service of the notice; and the sheriff may either confirm the notice or, if he is satisfied that the works required to be executed or the steps required to be taken are unnecessary or are unreasonable in character or extent, or are not reasonably practicable, or that the local authority have refused unreasonably to approve the execution of alternative works or the taking of alternative steps, or that for any other reason the notice should be disallowed or varied, may disallow the notice or may confirm the notice subject to such variation as he may specify, and may make such order as to the expenses of the appeal as he may think equitable.

The decision of the sheriff shall be final and shall be binding both on the authority and on the person on whom the notice is served.

- (6) Subject to the right of appeal conferred by the last foregoing subsection and to any order made by the sheriff on such appeal, a person on whom a notice is served under this section who fails to comply with the requirements of the notice shall be guilty of an offence.”
- (4) Where by virtue of . . . <sup>F39</sup> a notice served under section three [<sup>F40</sup>of this Act] any works of the nature of fixed equipment are required to be executed on any land being an agricultural holding, [<sup>F41</sup>section 5(2), (3) and (5) of the Agricultural Holdings (Scotland) Act 1991 (liabilities of landlord and tenant of agricultural holding regarding fixed equipment) and section 10] of that Act (which empowers the landlord of a holding to enter thereon for the purpose of providing fixed equipment) shall apply in relation to such works as aforesaid as they apply in relation to fixed equipment within the meaning of that Act.
- (5) Where the landlord of an agricultural holding has executed thereon works of the nature of fixed equipment which are required to be executed as mentioned in the last foregoing subsection or has executed similar works at the request of, or in agreement with, the tenant, [<sup>F41</sup>section 15 of the Agricultural Holdings (Scotland) Act 1991] (which provides for increases of rent in respect of improvements carried out by the landlord) shall have effect as if the works so executed were such an improvement as is mentioned in subsection (1) of that section.
- <sup>F36</sup>(6) For section five there shall be substituted the following section—

- “(1) Any sanitary convenience and any washing facilities available for the use of workers employed on an agricultural unit in agriculture and any sanitary convenience provided in pursuance of regulations under section four of this Act shall be kept properly cleansed.

*Status: Point in time view as at 22/07/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Agriculture (Safety, Health and Welfare Provisions) Act 1956. (See end of Document for details)*

(2) In the event of a contravention of the provisions of this section in relation to a sanitary convenience provided in pursuance of regulations under the said section four, the employer by whom it was provided, and in any other case the occupier of the agricultural unit, shall be guilty of an offence”.

(7) ..... F35

(8) ..... F42

(10) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say—

“agricultural holding”, “fixing equipment” and “landlord” have the like meanings as in [F41the Agricultural Holdings (Scotland) Act 1991] ;

“owner” has the like meanings as in the M2Public Health (Scotland) Act, 1897, and in the case of an agricultural unit occupied by a landholder within the meaning of the Small Landholders (Scotland) Acts, 1886 to 1931, or a crofter within the meaning of the M3Crofters (Scotland) Act, 1955, means that landholder or crofter;

..... F43

“tort” means delict or quasi-delict;

“worker” means a person employed under a contract of service or apprenticeship or a person employed in accordance with the provisions of Part III of the M4Children and Young Persons (Scotland) Act, 1937, and the M5Education (Exemptions) (Scotland) Act, 1947, and “employer” and “employed” have corresponding meanings;

“young person” means a person who is over school age for the purposes of [F44the M6Education (Scotland) Act 1980], but who has not attained the age of eighteen;

and subsection (1) of section twenty-four shall have effect as if the definitions of “agricultural holding”, “fixed equipment”, “landlord”, . . . F45, “worker” and “young person” were omitted.

#### Textual Amendments

**F35** S. 25(2)(7) repealed with saving by S.I. 1975/46, reg. 5, **Sch. 1**

**F36** S. 25(3)(6) repealed (1.1.1993 with respect to certain premises and 1.1.1996 with respect to certain further premises) by S.I. 1992/3004, regs. 1(2)(3), 2, 3, 27, **Sch. 2 Pt.1**.

**F37** Words substituted by S.I. 1977/746, **Sch. 2**

**F38** Words repealed by S.I. 1977/746, **Sch. 2**

**F39** Words repealed with saving by S.I. 1975/46, reg. 5, **Sch. 1**

**F40** Words substituted with saving by S.I. 1975/46, reg. 5, **Sch. 3**

**F41** Words in s. 25(4) substituted (25.9.1991) by Agricultural Holdings (Scotland) Act 1991 (c. 55, SIF 2:3), ss. 88(1), 89(2), **Sch. 11 para. 8** (with s. 45(3), Sch. 12 para. 3)

Words in s. 25(5) substituted (25.9.1991) by Agricultural Holdings (Scotland) Act 1991 (c. 55, SIF 2:3), ss. 88(1), 89(2), **Sch. 11 para. 9** (with s. 45(3), Sch. 12 para. 3)

Words in s. 25(10) substituted (25.9.1991) by Agricultural Holdings (Scotland) Act 1991 (c. 55, SIF 2:3), ss. 88(1), 89(2), **Sch. 11 para. 10** (with s. 45(3), Sch. 12 para. 3)

**F42** S. 25(8)(9) repealed by S.I. 1977/746, **Sch. 2**

**F43** Definition of “local authority” repealed by S.I. 1977/746, **Sch. 2**

**F44** Words substituted by virtue of Education (Scotland) Act 1980 (c. 44, SIF 41:2), **Sch. 3 para. 1**

**F45** Words repealed by S.I. 1977/746, **Sch. 2**

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**Status:** Point in time view as at 22/07/2004.

**Changes to legislation:** There are currently no known outstanding effects for the Agriculture (Safety, Health and Welfare Provisions) Act 1956. (See end of Document for details)

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**Marginal Citations**

- M2** 1897 c. 38 (100:2).
- M3** 1955 c. 21 (2:4).
- M4** 1937 c. 37 (20).
- M5** 1947 c. 36.
- M6** 1980 c. 44 (41:2).

**26 Short title and extent.**

- (1) This Act may be cited as the Agriculture (Safety, Health and Welfare Provisions) Act, 1956.
- (2) This Act shall not extend to Northern Ireland.

**Status:**

Point in time view as at 22/07/2004.

**Changes to legislation:**

There are currently no known outstanding effects for the Agriculture (Safety, Health and Welfare Provisions) Act 1956.