



Agriculture (Safety, Health and Welfare Provisions) Act 1956

1956 CHAPTER 49 4 and 5 Eliz 2

Supplementary Provisions

25 Application to Scotland.

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

(2)^{F1}

^{F2}(3) For section three of this Act there shall be substituted the following section—

(1) If it appears to [^{F3}the Health and Safety Executive] that an agricultural unit . . .
^{F4} 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, [^{F3}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) [^{F3}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

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execution of such works, and no such notice shall be of any effect unless it states that [^{F3}the Executive] are so satisfied and what those circumstances are.

- (4) For the purposes of this section the expression “appropriate person” means—
- (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 . . . ^{F5} a notice served under section three [^{F6}of this Act] any works of the nature of fixed equipment are required to be executed on any land being an agricultural holding, [^{F7}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, [^{F7}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.

^{F2}(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

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convenience provided in pursuance of regulations under section four of this Act shall be kept properly cleansed.

(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) F1

(8) F8

(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 [F7 the Agricultural Holdings (Scotland) Act 1991] ;

“owner” has the like meanings as [F9 in the M1 Public 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 M2 Crofters (Scotland) Act, 1955, means that landholder or crofter;

..... F10

“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 M3 Children and Young Persons (Scotland) Act, 1937, and the M4 Education (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 [F11 the M5 Education (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”, . . . F12, “worker” and “young person” were omitted.

Textual Amendments

- F1** S. 25(2)(7) repealed with saving by S.I. 1975/46, reg. 5, **Sch. 1**
- F2** 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**.
- F3** Words substituted by S.I. 1977/746, **Sch. 2**
- F4** Words repealed by S.I. 1977/746, **Sch. 2**
- F5** Words repealed with saving by S.I. 1975/46, reg. 5, **Sch. 1**
- F6** Words substituted with saving by S.I. 1975/46, reg. 5, **Sch. 3**
- F7** 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)
- F8** S. 25(8)(9) repealed by S.I. 1977/746, **Sch. 2**

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- F9** Words in s. 25(10) repealed (S.) (1.10.2009) by Public Health etc. (Scotland) Act 2008 (Commencement No. 2, Savings and Consequential Provisions) Order 2009 (No. 319), art. 2, **Sch. 3 Pt. 1**
- F10** Definition of “local authority” repealed by S.I. 1977/746, **Sch. 2**
- F11** Words substituted by virtue of Education (Scotland) Act 1980 (c. 44, SIF 41:2), **Sch. 3 para. 1**
- F12** Words repealed by S.I. 1977/746, **Sch. 2**

Marginal Citations

- M1** 1897 c. 38 (100:2).
- M2** 1955 c. 21 (2:4).
- M3** 1937 c. 37 (20).
- M4** 1947 c. 36.
- M5** 1980 c. 44 (41:2).

Changes to legislation:

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