

1989 No. 413

HEALTH AND SAFETY

AGRICULTURE

Agriculture (Circular Saws) Regulations
(Northern Ireland) 1989

Made 23rd October 1989

Coming into operation—

for the purposes of paragraph 3 of Part I
of the Schedule 11th December 1990

for all other purposes 11th December 1989

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), 13 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 (Circular Saws) Regulations (Northern Ireland) 1989 and shall come into operation for the purposes of paragraph 3 of Part I 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;

“circular saw” means a machine intended for sawing wood by means of a circular blade or other moving device incorporating cutting elements or to which cutting elements are attached and which is held in a fixed or portable bench or frame, but does not include a swing or other saw which is operated by movement towards the wood;

“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.

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 operate or assist at a circular saw unless the requirements contained in Part I of the Schedule (requirements applicable to employers and suppliers) are complied with;
- (b) an employee who, in the course of his employment, operates a circular saw shall comply with the requirements contained in Part II of the Schedule (requirements applicable to employees);
- (c) an employer shall not cause or permit an employee, in the course of his employment, to operate, and an employee shall not operate, a circular saw unless the requirements contained in Part III of the Schedule (requirements applicable to employers and employees) are complied with; and
- (d) an employee shall comply with the requirements contained in Part IV of the Schedule (other provisions applicable to employers and employees) and his employer shall not cause or permit him to contravene any such requirement.

Supply of circular saws

4.—(1) Subject to paragraph (2), a person shall not supply for use in agriculture in Northern Ireland, a circular saw unless the requirements contained in paragraphs 1 and 3 to 9 of Part I of the Schedule are complied with.

(2) Where a person (“the ostensible supplier”) supplies a circular saw 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 circular saw 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 circular saw 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 and 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. regulations 1, 3(a) and 4(1)

Requirements applicable to employers and suppliers*Construction and maintenance*

1. Every circular saw shall be substantially constructed and properly maintained.

Lighting

2. At every circular saw there shall be adequate natural or artificial light.

Warning sign

3.—(1) Every circular saw which, on or after 11th December 1990, is first supplied for use in agriculture shall carry a sign warning persons of the danger of the moving blade.

(2) The sign mentioned in sub-paragraph (1) shall be clearly visible and shall conform to the specification for such sign given in British Standard Specification No. BS 5378: Part I: 1980(a) (as revised or re-issued from time to time) or be in the form of a notice containing text alone.

Saw blades

4. The saw blade shall not —

- (a) be cracked;
- (b) have been repaired by brazing or welding;
- (c) have two or more teeth missing; and

the teeth of the saw blade, while in motion, shall not come in contact with the bench table, whether by reason of warping, misalignment or otherwise.

Riving knives

5.—(1) In a direct line behind the saw blade, and in the same vertical plane there shall be a metal riving knife having a smooth surface. The knife shall be strong and rigid, its front edge extending upward and forward, and shall also conform with the following conditions, that is to say —

- (a) the distance between the front edge of the knife and the teeth of the saw blade shall not exceed 12 millimetres at the level of the top surface of the bench table;
- (b) the knife shall extend upward from the bench table for a distance of not less than half and not more than the full height of the saw blade above the bench table.

(2) This paragraph shall not apply to a circular saw the circular blade of which does not exceed 300 millimetres in diameter.

Top guards

6.—(1) The cutting edge of the saw blade above the bench table shall be guarded by a guard which shall —

- (a) be rigid and substantially constructed, not less than 25 millimetres wide measured horizontally, and as close to the edge of the saw blade as is practicable in the circumstances of use; and

(a) BS 5378: 1980. Safety signs and colours. Specification for colour and design. Published by British Standards Institution, 2 Park Street, London W1A 2BS

(b) extend forward from above the riving knife at least as far as to a point that is directly over the point at which the cutting edge of the saw blade passes below the level of the upper surface of the bench table.

(2) So much of the guard as extends beyond the top of the saw blade shall, so far as it is not parallel to the bench table, slope or curve in a downward direction only.

Bottom guards

7.—(1) The part of the saw blade below the bench table shall be guarded by two plates of metal or other suitable material, one on each side of the blade.

(2) Such plates shall not be more than 150 millimetres apart and shall extend from the axis of the saw blade outward to a distance of not less than 50 millimetres beyond the edge of the saw blade.

(3) Sub-paragraphs (1) and (2) shall not apply if the circular saw is so constructed and maintained as to afford no less protection against an employee coming in contact with the saw blade from below the bench table than would be provided by a guard meeting the requirements of those sub-paragraphs.

Special provision for circular saws with swinging tables

8.—(1) The provisions of this paragraph apply to a circular saw constructed with a swinging table, being a saw designed solely for cross-cutting.

(2) The cutting edge of the saw blade above the level of its axis shall be guarded by a guard which shall —

(a) be rigid and substantially constructed, not less than 25 millimetres wide measured horizontally, and as close to the edge of the saw blade as is practicable in the circumstances of use; and

(b) extend upward and forward from the level of its axis to the top of the saw blade and thence at least as far as to a point that is directly over the point at which the cutting edge of the saw blade passes below the level of its axis.

(3) So much of any such guard as extends beyond the top of the saw blade shall, so far as it is not horizontal, slope or curve in a downward direction only.

(4) The part of the saw blade below the level of its axis shall be guarded by two plates of metal or other suitable material, one on each side of the blade.

(5) Such plates shall not be more than 150 millimetres apart and shall extend from the axis of the saw blade outward to a distance of not less than 50 millimetres beyond the edge of the saw blade.

(6) Sub-paragraphs (4) and (5) shall not apply if the circular saw is so constructed and maintained as to afford no less protection against an employee coming in contact with the saw blade below the level of its axis than would be provided by a guard meeting the requirements of those sub-paragraphs.

(7) Paragraphs 5, 6 and 7 shall not apply to a circular saw of the kind mentioned in sub-paragraph (1).

9. References in this Part to an employee coming in contact with a saw blade shall be construed as references to his coming in contact therewith, either directly or by means of his clothes.

Requirements applicable to employees*Use of safety appliances*

1.—(1) Subject to the provisions of sub-paragraph (2), 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 riving knife, guard, facility and other thing provided, which satisfies the requirements of this Schedule.

(2) Nothing in this paragraph shall prevent an employee from carrying out adjustments to a circular saw (including any riving knife or guard), while the saw blade is not in motion.

Prohibition of adjustments while saw blade is in motion

2. An employee shall not make an adjustment, while the saw blade is in motion, to any part of a circular saw (including any riving knife or guard) other than to any device fitted to the saw for determining the rate of feed or the width, depth or angle at which the wood is to be cut.

Defective saws

3.—(1) If any circular saw is or becomes defective within the meaning of this paragraph, an employee employed to operate that saw shall, on discovering that it is defective, stop using it and report the defect to his employer.

(2) A circular saw is defective within the meaning of this paragraph if —

(a) the saw blade is cracked, or two or more teeth thereof are missing;

(b) the saw blade has been repaired by brazing or welding;

(c) the teeth of the saw blade while in motion come in contact with the bench table; or

(d) any riving knife or guard (of the respective kinds required under Part I) which has been fitted to a circular saw is damaged or missing.

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

Requirements applicable to employers and employees*Floors*

1. The floor or ground area used by an employee operating a circular saw shall be unobstructed and shall afford him a firm foothold.

Push-sticks, etc.

2. At every circular saw which is fed by hand a suitable push-stick or push-block of wood shall be used, whenever risk of injury can be thereby reduced.

Other provisions applicable to employers and employees

Instruction

1. An employee, who has never operated a circular saw, shall not operate a circular saw unless its working or the working of one of similar type has been demonstrated to him by a person having a thorough knowledge of the working of the saw to be operated or of the working of one of similar type.

Minimum age

2. An employee shall not operate or assist at a circular saw unless he has attained the upper limit of compulsory school age.

Explanation of regulations

3. An employee shall not operate or assist at a circular saw unless the provisions of paragraph 1 and the requirements contained in Parts II and III have first been explained to him.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations provide that an employer shall not cause or permit an employee to operate or assist at a circular saw unless requirements relating to the construction, maintenance and guarding of circular saws, the provision of warning signs, riving knives and adequate lighting and the condition of saw blades are complied with (regulation 3(a) and Part I of the Schedule). The provisions on warning signs apply only to circular saws which are first supplied for use in agriculture on or after 11th December 1990. Part II of the Schedule specifies requirements for employees relating to defective saws and to the use of safety appliances and also prohibits adjustments while a saw blade is in motion. Parts III and IV of the Schedule specify additional requirements for both employers and employees. Part III deals first with the floor or ground area used by an employee operating a circular saw and second the use of push-sticks or push-blocks. Part IV specifies requirements for the instruction of employees who have not previously operated a circular saw and for the explanation of the relevant provisions of the Regulations to employees. Part IV also provides that an employee shall not operate or assist at a circular saw unless he has attained the upper limit of compulsory school age.

A circular saw must not be supplied for use in agriculture in Northern Ireland unless the requirements of paragraphs 1 and 3 to 9 of Part I of the Schedule are satisfied (regulation 4).

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.

Copies of British Standard Specification No. BS5378: 1980 are obtainable from the British Standards Institution, 2 Park Street, London, W1A 2BS.