

1974 No. 2034

AGRICULTURAL EMPLOYMENT

SAFETY, HEALTH AND WELFARE

The Agriculture (Tractor Cabs) Regulations 1974

*Laid before Parliament in draft**Made - - - - 5th December 1974**Coming into Operation 5th December 1974*

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers conferred on them by subsections (1) to (5) of section 1 and by section 17 of the Agriculture (Safety, Health and Welfare Provisions) Act 1956(a), and of all their other enabling powers, after consultation with such organisations as appear to them to represent the interests concerned, hereby make the following regulations, a draft of which has been laid before Parliament and has been approved by resolution of each House of Parliament:—

Citation, extent and commencement

1. These regulations, which may be cited as the Agriculture (Tractor Cabs) Regulations 1974, shall apply to Great Britain and shall come into operation on the date on which they are made.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“agriculture”, “worker”, “employer” and “employed” have the meanings respectively assigned to them, as respects England and Wales, by subsection (1) of section 24 of the Agriculture (Safety Health, and Welfare Provisions) Act 1956, and, as respects Scotland, by that subsection as applied by subsection (10) of section 25 of that Act;

“approval mark” means one of the two marks, incorporating a crown inside a triangle, illustrated in paragraph 1 of Part I of the Schedule to these regulations, and “appropriate approval mark” means—

(a) 1956 c. 49.

(a) in relation to a safety cab fitted to a tractor which is or has been new on or after **1st June 1976**, or in relation to a safety cab which itself is or has been new on or after 1st September 1977, the mark illustrated in sub-paragraph (1) of that paragraph;

(b) in relation to any other safety cab, either approval mark;

“approved”, in relation to a safety cab, means approved in accordance with regulation 3 for use with a tractor;

“building” includes any underground premises;

“marked” means marked in the manner described in Part II of the Schedule to these regulations;

“the Ministers” mean the Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, and “the appropriate Minister” means, for the purposes of the application of these regulations to England and Wales, the Minister of Agriculture, Fisheries and Food, and for the purposes of their application to Scotland, the Secretary of State;

“new” means not previously sold to any purchaser for use by him in agriculture;

“safety cab” means a rigid framework or cab designed to protect the driver of a tractor to which it is fitted from being crushed if the tractor overturns, and includes a safety frame;

“supplementary marks” means the marks described in paragraph 2 of Part I of the Schedule to these regulations;

“tractor” means a wheeled tractor weighing 11 cwt. or more when assembled in the lightest form commercially available, without water, fuel or lubricating oil, but does not include a half-tracked vehicle or a steam traction engine.

(2) For the purposes of these regulations a tractor or a safety cab which is made the subject of a contract for hire purchase shall be deemed to be sold, and not let on hire.

(3) A tractor is properly fitted with a safety cab for the purposes of these regulations if the safety cab is—

(a) so maintained and so fitted to the tractor as to afford the protection (including protection from noise) for which it is designed, and

(b) equipped with an efficient automatic wiper for any windscreen it may have.

(4) Where the first sale, letting on hire or loan of a tractor for use in agriculture by the purchaser, hirer or borrower, as the case may be, occurred before 1st September 1970, regulations 4(c) and 5 of these regulations shall not apply to that tractor until 1st September 1977.

(5) The Interpretation Act 1889(a) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament, and as if these regulations and the regulations hereby revoked were Acts of Parliament.

Approved safety cabs

3.—(1) Subject to the following provisions of this regulation, the Ministers

(a) 1889 c. 63.

may approve a safety cab of any model for use with a tractor of any description by issuing a certificate of approval to the manufacturer of the safety cab approving the use of safety cabs of that model when fitted to tractors of that description.

(2) Before issuing a certificate of approval the Ministers shall be satisfied that safety cabs of the model to which it relates would be capable of satisfying the requirements relating to protective cabs set out in British Standard Specification No. B.S. 4063: 1973(a) when fitted to tractors of descriptions specified in the certificate.

(3) In the case of a certificate of approval issued on or after 1st September 1977 the Ministers shall further be satisfied, and in the case of a certificate issued before that date may be so satisfied, before issuing the certificate, that the noise levels inside safety cabs of the model to which it relates, when fitted to tractors of descriptions specified in the certificate, would not be more than 90 dBA if tested in accordance with British Standard Specification No. B.S. 4063: 1973.

(4) Where a certificate of approval is issued for any model of safety cab in respect of which the Ministers have been satisfied as to the matters specified in paragraph (3) above, the fact shall be stated in the certificate.

(5) While a safety cab is fitted to a tractor which is or has been new on or after 1st June 1976, or where a safety cab itself is or has been new on or after 1st September 1977, it shall not be an approved safety cab for the purpose of these regulations unless the Ministers have been satisfied as to the matters specified in paragraph (3) above in relation to safety cabs of that model, and the fact is stated in the certificate of approval.

(6) A certificate of approval may prescribe specifications for the construction of safety cabs of the model to which it relates, and unless a safety cab is constructed in accordance with any specifications so prescribed it shall not be a safety cab of that model.

(7) Such specifications may be prescribed by reference to documents other than the certificate of approval, by reference to specimens of safety cabs or materials, and in any other manner.

(8) An approved safety cab shall cease to be approved if it is materially changed as a result of damage, alteration, neglect or any other cause.

(9) The Ministers may at any time by notice in writing to the manufacturer, given not less than one month before it is due to take effect, amend or revoke a certificate of approval.

(10) It shall be a condition of every certificate of approval that the manufacturer to whom it is issued—

(a) shall cause every safety cab approved under the certificate to be marked with the correct approval mark and supplementary marks before it is

(a) Specification for requirements and testing of protective cabs and frames for agricultural wheeled tractors: published by the British Standards Institution, 2 Park Street London, W1A 2B.

- sold or let on hire; and
- (b) shall on request, at any reasonable time before sale, whether during or after manufacture,
- (i) make available for inspection by or on behalf of the Ministers any safety cab manufactured by him;
 - (ii) submit to such tests as the Ministers may require any safety cab which purports to be or is intended to be approved under the certificate.

(11) The Ministers shall not require a safety cab to be tested under paragraph (10) above unless in their opinion there is reason to believe either that the safety cab is not a safety cab of the model to which the certificate relates or that it is not capable of satisfying the British Standard Specification referred to in paragraph (2) above.

(12) Where a manufacturer fails to comply with a condition of a certificate imposed on him by paragraph (10) above, the Ministers may by notice given to him in writing revoke the certificate forthwith.

(13) Amendment or revocation of a certificate of approval shall not affect any approved safety cab sold before the amendment or revocation takes effect.

Sale and hire of tractors and safety cabs

4. No person shall—

- (a) sell a new tractor, or let it on hire, to a person for use by him in agriculture in Great Britain, unless it is properly fitted with a safety cab which is—
- (i) approved for use with that tractor,
 - (ii) marked with the appropriate approval mark, and
 - (iii) marked with supplementary marks which relate to that approval mark and which include the name of the make, and the name or number of the model, of that tractor;
- (b) sell a new safety cab, or let it on hire, for use in agriculture in Great Britain, unless it is—
- (i) approved, and
 - (ii) marked with the appropriate approval mark and supplementary marks;
- (c) let a tractor on hire for use in agriculture in Great Britain, unless it is properly fitted with a safety cab marked with the appropriate approval mark.

Obligations on employers, workers and others

5.—(1) The employer of a worker employed in agriculture shall ensure—

- (a) that every tractor driven by that worker in the course of his employment is properly fitted with a safety cab marked with the appropriate approval mark; and
- (b) so far as it is reasonably practicable for him to do so, that every safety cab fitted to a tractor so driven by that worker is approved for use with that tractor.

(2) No worker employed in agriculture shall drive a tractor in the course of his employment, and no person shall cause or permit him to do so, unless it is properly fitted with a safety cab marked with the approval mark.

(3) No worker employed in agriculture shall drive a tractor in the course of his employment if it is fitted with a safety cab which he knows is not approved for use with that tractor, and no person shall cause or permit such a worker to drive a tractor in the course of his employment if it is fitted with a safety cab which that person knows is not approved for use with that tractor.

(4) Nothing in this regulation shall apply to a tractor—

- (a) while it is being used for the purpose of carrying out an agricultural operation in a hop-garden, hop-yard or orchard, where it is not reasonably practicable to use the tractor for the purpose if it is fitted with a safety cab approved for use with that tractor;
- (b) while it is being driven to or from a hop-garden, hop-yard or orchard for the purpose of or after being used there without an approved safety cab in compliance with sub-paragraph (a) above;
- (c) while it is being used inside, or in close proximity to, a building for the purpose of carrying out an agricultural operation involving its use inside that building, where it is not reasonably practicable by reason of the height, shape or construction of the building to use the tractor for the purpose if it is fitted with a safety cab approved for the use with that tractor; or
- (d) while it is being driven to or from any building for the purpose of or after being used there without an approved safety cab in compliance with sub-paragraph (c) above, unless the tractor is at the same time engaged in, or being driven from or to the site of, any agricultural operation for which such a safety cab is required by this regulation.

Obligation on workers to report overturning or damage

6. Every worker employed in agriculture to drive or maintain a tractor fitted with a safety cab marked with the approval mark shall forthwith report to his employer—

- (a) any occasion when the tractor overturns;
- (b) any damage caused to the safety cab or to the fittings which secure it to the tractor; or
- (c) any defect in the windscreen wiper if one is fitted.

Restrictions on marking of safety cabs

7.—(1) No person other than the manufacturer of a safety cab shall, without the consent of the appropriate Minister in writing, apply to it any mark calculated to suggest—

- (a) that the safety cab is approved, or
- (b) that the safety cab is approved for use with a tractor of a specified description, or
- (c) that the safety cab has been approved as being of a particular standard, whether the safety cab is so approved or not.

(2) Subject to the provisions of paragraph (3) below, no person shall apply to a safety cab any mark calculated falsely to suggest—

- (a) that the safety cab is approved; or
- (b) that the safety cab is approved for use with a tractor of a specified description; or
- (c) that the safety cab has been approved as being of a particular standard.

(3) The application of a mark to a safety cab by its manufacturer before the time when it is first sold or let on hire shall not give rise to a contravention of paragraph (2) above unless the mark remains on the safety cab until that time, in which case the manufacturer shall be deemed for the purposes of that paragraph to have applied the mark to the safety cab at that time.

(4) No person other than the manufacturer of a safety cab shall, without the consent of the appropriate Minister in writing, alter, remove, obliterate or deface any mark on that safety cab which is, or which purports to be, a mark required by these regulations.

(5) For the purpose of this regulation a person applies a mark to a safety cab if he affixes or annexes it to, or in any manner marks it on or incorporates it with, the safety cab.

Certificates of exemption

8.—(1) Notwithstanding anything in these regulations, the appropriate Minister may grant certificates exempting, for such periods and subject to such conditions, if any, as may be specified therein, particular cases or particular persons from the operation of all or any of the provisions of these regulations.

(2) Any breach of a condition imposed by such a certificate of exemption shall, while it continues, render the certificate void in relation to any tractor or safety cab affected by the breach.

Regulations revoked

9. The Agriculture (Tractor Cabs) Regulations 1967(a) and the Agriculture (Tractor Cabs) (Amendment) Regulations 1973(b) are hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th December 1974.

(L.S.)

Frederick Peart,
Minister of Agriculture, Fisheries
and Food.

5th December 1974.

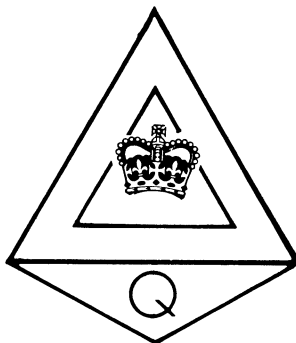
William Ross,
Secretary of State for Scotland.

SCHEDULE

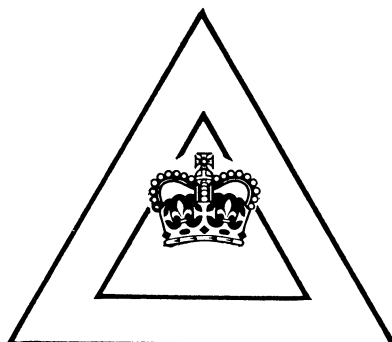
PART I

Marks on safety cabs

1.—(1) Where the Ministers have been satisfied, before issuing a certificate of approval (whether issued before or on or after 1st September 1977), that the noise levels inside safety cabs of the model to which it relates, when fitted to tractors of descriptions specified in the certificate, would not be more than 90 dBA if tested in accordance with British Standard Specification No. B.S. 4063:1973, the approval mark on an approved safety cab of that model shall be the following symbol:



(2) In any other case the approval mark on an approved safety cab shall be the following symbol:



2. The supplementary marks on a safety cab shall be—
- (a) the name of the make, and the name or number of the model, of every tractor for use with which the safety cab is approved at the time of marking, and
 - (b) the serial number of the cab.

PART II

Manner in which safety cabs are to be marked

Safety cabs shall be marked in the following manner:—

- (a) Every mark required by these regulations shall be on the main structure of the safety cab.
- (b) Every such mark shall be clear, legible and permanent, and in a prominent and easily accessible position.
- (c) The name of the make or model of a tractor may be represented by a recognisable abbreviation of that name.

- (d) Where a model of tractor is referred to, it shall be described in such a way as not to include any tractor for use with which the safety cab is not approved.
 - (e) Supplementary marks relating to the same approval mark shall be as near as is reasonably practicable to the approval mark and to each other.
 - (f) Where there is more than one approval mark on a safety cab the supplementary marks relating to each shall be separate and clearly distinguishable from those relating to the other.
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EXPLANATORY NOTE

(This Note is not part of the regulations.)

These regulations revoke and consolidate the Agriculture (Tractor Cabs) Regulations 1967 and the Agriculture (Tractor Cabs) (Amendment) Regulations 1973, with two parallel amendments, which are printed in bold type.

Tractors are required to be fitted with safety cabs (an expression which includes safety frames) when driven by workers employed in agriculture, except where it is not practicable to do so in hop-gardens, hop-yards, orchards and buildings.

Provision is made for the issuing of certificates of approval for safety cabs by the Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland, acting jointly, and for the marking of approved safety cabs by their manufacturers with symbols incorporating a crown inside a triangle, together with supplementary marks. A symbol which also includes the letter Q is reserved for safety cabs whose internal noise levels are not more than 90 dBA. Restrictions are imposed on the application of marks to safety cabs, and on their alteration or removal. The application of false marks is prohibited.

It is made an offence for a worker to drive a tractor, or for anyone to cause or permit him to do so, without a marked safety cab, or if it is known that a safety cab with which it is fitted is not approved, and employers must ensure that marked and, so far as is reasonably practicable, approved safety cabs are fitted. Workers are obliged to report overturning or damage.

Tractors must be properly fitted with approved and appropriately marked safety cabs when they are first sold or let on hire to a person for use by him in agriculture, and no new safety cab may be sold or let on hire unless it is both approved and marked. Used tractors let on hire must have marked safety cabs.

The Minister and the Secretary of State are given power to issue certificates of exemption.

Tractors first sold, let on hire or loaned for use in agriculture before 1st September 1970 are not required to have approved safety cabs until 1st September 1977. From **1st June 1976** (under the previous regulations this date was 1st September 1975) all new tractors will have to be fitted with safety cabs which satisfy the noise requirements, and from 1st September 1977 all new safety cabs will have to satisfy those requirements. There is no restriction on fitting approved safety cabs which do not satisfy the noise requirements to tractors first sold for use in agriculture before June 1976, and approved cabs fitted to such tractors will not have to be replaced by cabs which meet the noise requirements.

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