

1990 No. 1075

HEALTH AND SAFETY

**The Agriculture (Tractor Cabs) (Amendment)
Regulations 1990**

<i>Made</i> - - - -	<i>10th May 1990</i>
<i>Laid before Parliament</i>	<i>23rd May 1990</i>
<i>Coming into force</i>	<i>14th June 1990</i>

The Secretary of State, in exercise of the powers conferred on him by sections 15(1), (3)(a) and (4)(a) and 82(3)(a) of the Health and Safety at Work etc. Act 1974(a) ("the 1974 Act") and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act, after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Agriculture (Tractor Cabs) (Amendment) Regulations 1990 and shall come into force on 14th June 1990.

(2) In these Regulations, "the principal regulations" means the Agriculture (Tractor Cabs) Regulations 1974(b).

Amendments to the principal regulations

2.—(1) The principal regulations shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1), in the definition of "approved", there shall be inserted after the word "tractor"—

"and any safety cab which is marked with a component type-approval mark in accordance with—

- (a) Council Directive 77/536/EEC(c) relating to the roll-over protection structures of wheeled agricultural or forestry tractors, as amended by Council Directive 87/354/EEC(d);
- (b) Council Directive 79/622/EEC(e) relating to the static testing of the roll-over protection structures of wheeled agricultural or forestry tractors, as

(a) 1974 c.37; sections 15 and 50 were amended by the Employment Protection Act 1975 (c.71), Schedule 15, paragraphs 6 and 16 respectively.
(b) S.I. 1974/2034, amended by S.I. 1976/1247, 1980/1036, 1981/1414 and 1984/605.
(c) OJ No. L220, 29.8.77, p. 1.
(d) OJ No. L192, 11.7.87, p. 43.
(e) OJ No. L179, 17.7.79, p. 1.

amended by Council Directive 87/354/EEC and as adapted to technical progress by Commission Directives 82/953/EEC(a) and 88/413/EEC(b);

- (c) Council Directive 86/298/EEC(c) relating to the rear-mounted roll-over protection structures of narrow-track wheeled agricultural and forestry tractors; or
- (d) Council Directive 87/402/EEC(d) relating to the roll-over protection structures mounted in front of the driver's seat on narrow-track wheeled agricultural and forestry tractors,

shall be deemed to be approved and correctly marked with the appropriate approval mark and supplementary marks in accordance with that regulation if it is fitted to and for use with a tractor of the type to which it was attached when tested pursuant to the relevant Directive specified above, and the driver-perceived noise level is within either of the limits specified in Article 2.1 of Council Directive 77/311/EEC(e) (relating to the driver-perceived noise level of wheeled agricultural or forestry tractors) when measured in accordance with the relevant Annex to that Directive;"

(3) In regulation 3-

- (a) in paragraph (2), for "British Standard Specification No. B.S. 4063: 1973", there shall be substituted "Council Directive 77/536/EEC (as amended by Council Directive 87/354/EEC), Council Directive 79/622/EEC (as amended by Council Directive 87/354/EEC and as adapted to technical progress by Commission Directives 82/953/EEC and 88/413/EEC), Council Directive 86/298/EEC or Council Directive 87/402/EEC";
- (b) in paragraph (3)-
 - (i) for "1st September 1977 the Executive shall further be satisfied, and in the case of a certificate issued before that date may be so satisfied", there shall be substituted "14th June 1990 the Executive shall further be satisfied", and
 - (ii) for "not be more than 90 dB(A) if tested in accordance with British Standard Specification No. B.S. 4063: 1973", there shall be substituted "be within either of the limits specified in Article 2.1 of Council Directive 77/311/EEC if measured in accordance with the relevant Annex to that Directive";
- (c) in paragraph (5), after "specified in paragraph (3) above", there shall be inserted "(appertaining at the time the certificate of approval was issued)"; and
- (d) in paragraph (11), for "the British Standard Specification referred to in paragraph (2) above", there shall be substituted "the construction and testing requirements of Council Directive 77/536/EEC (as amended by Council Directive 87/354/EEC), Council Directive 79/622/EEC (as amended by Council Directive 87/354/EEC and as adapted to technical progress by Commission Directives 82/953/EEC and 88/413/EEC), Council Directive 86/298/EEC or Council Directive 87/402/EEC".

(4) There shall be inserted, after regulation 9, the following regulation-

"Savings

10. Nothing in the Agriculture (Tractor Cabs) (Amendment) Regulations 1990 ("the 1990 Regulations") shall affect the validity of any certificate of approval issued in accordance with regulation 3 of these Regulations before the coming into force of the 1990 Regulations."

(5) In paragraph 1(1) of Part I of the Schedule, for "not be more than 90 dB(A) if tested in accordance with British Standard Specification No. B.S. 4063: 1973", there shall be substituted "be within either of the limits specified in Article 2.1 of Council

(a) OJ No. L386, 31.12.82, p. 31.

(b) OJ No. L200, 26.7.88, p. 32.

(c) OJ No. L186, 8.7.86, p. 26.

(d) OJ No. L220, 8.8.87, p. 1.

(e) OJ No. L105, 28.4.77, p. 1.

Directive 77/311/EEC if measured in accordance with the relevant Annex to that Directive”.

Revocations

3. Regulation 3A of the principal regulations, and the Agriculture (Tractor Cabs) (Amendment) Regulations 1984(a), are hereby revoked.

Signed by order of the Secretary of State.

Patrick Nicholls
Parliamentary Under Secretary of State,
Department of Employment

10th May 1990

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Agriculture (Tractor Cabs) Regulations 1974 (“the 1974 Regulations”) so that any safety cab (as defined by regulation 2(1) of the 1974 Regulations) which is marked with a component type-approval mark in accordance with—

- (a) Council Directive 77/536/EEC (OJ No. L220, 29.8.77, p. 1) relating to the roll-over protection structures of certain wheeled agricultural or forestry tractors, as amended by Council Directive 87/354/EEC (OJ No. L192, 11.7.87, p. 43);
- (b) Council Directive 79/622/EEC (OJ No. L179, 17.7.79, p. 1) relating to the static testing of roll-over protection structures of certain wheeled agricultural or forestry tractors, as amended by Council Directive 87/354/EEC and as adapted to technical progress by Commission Directives 82/953/EEC (OJ No. L386, 31.12.82, p. 31) and 88/413/EEC (OJ No. L200, 26.7.88, p. 32);
- (c) Council Directive 86/298/EEC (OJ No. L186, 8.7.86, p. 26) relating to the rear-mounted roll-over protection structures of narrow-track wheeled agricultural and forestry tractors; or
- (d) Council Directive 87/402/EEC (OJ No. L220, 8.8.87, p. 1) relating to the roll-over protection structures mounted in front of the driver’s seat on narrow-track wheeled agricultural and forestry tractors,

shall be deemed to be approved and correctly marked in accordance with regulation 3 of the 1974 Regulations if it is fitted to and for use with a tractor of the type to which it was attached when tested pursuant to the relevant Directive specified above, and the driver-perceived noise level is within either of the limits specified in Article 2.1 of Council Directive 77/311/EEC (OJ No. L105, 28.4.77, p. 1) (relating to the driver-perceived noise level of wheeled agricultural or forestry tractors) when measured in accordance with the relevant Annex to that Directive.

2. These Regulations further amend the 1974 Regulations so that (after the coming into force of these Regulations) non EEC type-approved safety cabs can be approved under those 1974 Regulations only if—

- (a) the noise levels inside such cabs would be within either of the limits specified in Article 2.1 of Council Directive 77/311/EEC if measured in accordance with the relevant Annex to that Directive; and
- (b) they would be capable of satisfying the construction and testing requirements of any of the Council Directives specified in paragraph 1(a) to (d) of this note.

(a) S.I. 1984/605.

3. These Regulations insert a savings provision into the 1974 Regulations for the purpose of making it clear that nothing in these Regulations will affect the validity of any existing certificate of approval issued under those 1974 Regulations.

4. These Regulations also revoke regulation 3A of the Agriculture (Tractor Cabs) Regulations 1974 and the Agriculture (Tractor Cabs) (Amendment) Regulations 1984.

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