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ISBN 1-902885-17-1



**Safety of Children and Young Persons
in Agriculture in Northern Ireland**
**Agriculture (Safety of Children and
Young Persons) Regulations (Northern
Ireland) 2006**

Approved Code of Practice

Health and Safety Executive for Northern Ireland

Approved Code of Practice for Agriculture (Safety of Children and Young Persons) Regulations (Northern Ireland) 2006

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CONTROLLING RISK TOGETHER

This publication contains the text of the Agriculture (Safety of Children and Young Persons) Regulations (Northern Ireland) 2006, together with an Approved Code of Practice. These elements are identified as follows.

Regulations

The Regulations are marked thus in the margin and are in italic text.

ACoP

The Approved Code of Practice is marked thus in the margin and is in ordinary text.

Approved Code of Practice

This Code has been approved by the Health and Safety Executive for Northern Ireland, with the consent of the Department of Enterprise, Trade and Investment and gives practical advice on how to comply with the law. If you follow the advice you will be doing enough to comply with the law in respect of those specific matters on which the Code gives advice. You may use alternative methods to those set out in the Code in order to comply with the law.

However, the Code has a special legal status. If you are prosecuted for breach of health and safety law, and it is proved that you have not followed the relevant provisions of the Code, a court will find you at fault, unless you can show that you have complied with the law in some other way.

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Foreword

This document contains advice on how to comply with the duties under the Agriculture (Safety of Children and Young Persons) Regulations (Northern Ireland) 2006. It contains the Regulations themselves and an Approved Code of Practice (ACoP) which gives advice that has a special legal status described on page ii on preferred means of compliance with the law. The Regulations are shown in italics and the ACoP in plain type. The status of the ACoP is described on page ii.

The Agriculture (Safety of Children and Young Persons) Regulations (Northern Ireland) 2006 revoke and replace the Agriculture (Safety of Children) Regulations (Northern Ireland) 1981 and the Agriculture (Safety of Children) (Amendment) Regulations (Northern Ireland) 1983.

Notice of Approval

By virtue of Article 18(1) of the Health and Safety at Work (Northern Ireland) Order 1978 (“the Order”), after consultation in accordance with Article 18(2) of the Order and with the consent, pursuant to Article 18(2) of the Order, of the Department of Enterprise, Trade and Investment, being the Department concerned, the Health and Safety Executive for Northern Ireland has, on 17th August 2006, approved the Code of Practice entitled “*Safety of Children and Young Persons in Agriculture in Northern Ireland; Agriculture (Safety of Children and Young Persons) Regulations (Northern Ireland) 2006*”.

The Code of Practice is approved for the purposes of providing practical guidance with respect to the Agriculture (Safety of Children and Young Persons) Regulations (Northern Ireland) 2006.

The Code of Practice comes into effect on 31st October 2006.

Signed

Dermot Breen

D. J. Breen

Deputy Chief Executive of the Health and Safety Executive for Northern Ireland

17 August 2006

INTRODUCTION

1 This Approved Code of Practice (ACoP) provides guidance in support of the Agriculture (Safety of Children and Young Persons) Regulations (Northern Ireland) 2006 (“the Agriculture Safety Regulations”).

2 The Agriculture Safety Regulations protect the health and safety of children and young people from risks arising from agricultural activities whether they are employed or not. They therefore cover all children and young people on the farm including the sons or daughters of farmers, invited friends or visitors. The new Regulations build on and replace the Agriculture (Safety of Children) Regulations (Northern Ireland) 1981 (as amended by the Agriculture (Safety of Children) (Amendment) Regulations (Northern Ireland) 1983) although the principle of protecting children from agricultural activities dates back to the 1950s.

3 Like its predecessors, the Agriculture Safety Regulations form part of a legal framework for control of child employment and the protection of young people at work. (A summary of the legal framework can be found at **Appendix A**). The definitions of child and young person are as follows: -

- “child” means a person who has not attained the age of 16 years; and
- “young person” means a person who has attained the age of 16 years but has not attained the age of 18 years.

4 Agriculture is a dangerous employment sector. A total of 137 people have been killed in the sector over the period 1990/91 to 2005/06 - an average of over 8 per year.

5 Uniquely as workplaces, many farms are co-located with family homes, which increase the likelihood of the presence of children in a

INTRODUCTION

high-risk industrial workplace. Between 1990/91 and 2005/06, 28 children were killed in farm accidents - an average of just under 2 a year.

6 The Agriculture Safety Regulations and this ACoP are designed to contribute to reducing the number of deaths and accidents to children and young people by encouraging those in control of farms and agricultural activities to think about the risks to young people and ways of eliminating or minimising those risks. In particular, those in control of agricultural activities will need to take account of young peoples' immaturity, inexperience and lack of awareness of the risks to their health and safety.

7 Children aged five and under are particularly at risk. An analysis of the child fatalities between 1990/91 and 2005/06 shows that 39% of all the deaths were to children of this age. Many of these deaths resulted from inadequate adult supervision, for example children wandering into hazardous areas and falling into slurry tanks.

8 Another vulnerable sector is 11 to 15 year old boys with statistics showing that 21% of all deaths were in this group. This would indicate their immaturity, poor perception of danger and awareness of the risks to their health and safety when they become more active around the farm and start to participate in agricultural activities, especially the use of tractors and machinery.

9 The Agriculture Safety Regulations and this ACoP seek to address the main causes of fatal accidents to children and to encourage farmers and others in control of agricultural activities to take these into account in their assessment of risks to the health and safety of young people and the actions they take to control those risks.

ACoP

HEALTH AND SAFETY MANAGEMENT

10 The Agriculture Safety Regulations build on the requirements of the Management of Health and Safety at Work Regulations (Northern Ireland) 2000 ("the Management Regulations"), which apply to all work activities across Northern Ireland.

Risk assessment

11 The Management Regulations require employers to carry out a suitable and sufficient assessment of the risks to workers and to others who may be affected by the work activity, such as children. The self-employed have a similar duty to themselves, and others who may be affected by their work. An employer is not permitted to employ a young person unless a risk assessment has been carried out, which takes account of particular factors including the inexperience, lack of awareness of risks and immaturity of young persons.

Controlling the risk

12 The risk assessment is a tool for identifying the main hazards in the workplace and the risk of those hazards causing harm. This means, farmers should identify the hazards to young people, especially children, on their premises and then decide how best to prevent accidents to them.

General prohibitions applying to young persons (under 18 years)

13 There is legislation, which either prohibits or severely restricts the employment of children not over the upper limit of compulsory school age (around 16 years). Where an employer is permitted to employ a young person there are restrictions on what they can do. Appendix A provides more detail. An employer is not permitted to employ a young person for work, which the risk assessment has identified as: -

ACoP

- beyond his/her physical or psychological capacity;
- involving harmful exposure to toxic or cancer-causing agents, cause genetic damage or harm to an unborn child or which in any other way chronically affect human health;
- involving harmful exposure to radiation;
- involving the risk of accidents which it may reasonably assume cannot be recognised or avoided by young persons due to their insufficient attention to safety or lack of experience or training; or
- in which there is a risk to health from:
 - extreme cold or heat;
 - noise; or
 - vibration.

Young people over compulsory school age are permitted to do such work as long as: -

- it is necessary for their training;
- the young person is supervised by a competent person; and
- the risk is reduced to the lowest level that is reasonably practicable.

Capabilities, training and supervision

14 Every employer is required, by the Management Regulations, to take account of their employee's capabilities when allocating work and to ensure that they receive adequate health and safety training. This is particularly important when the worker is new to the job or where changes in the workplace or the way the job is done leads to an increase in risk. Supervision and training is particularly important for young people because of their immaturity and lack of appreciation of the risks to their health and safety.

ACoP

THE AGRICULTURE (SAFETY OF CHILDREN AND YOUNG PERSONS) REGULATIONS (NORTHERN IRELAND) 2006

15 The Agriculture Safety Regulations build on the general principles of the Management Regulations. They are designed to address the risks to young people from agricultural activities, and in particular those arising from agricultural machinery and from hazards found in the farmyard.

REGULATION

1

REGULATION 1 - CITATION AND COMMENCEMENT

"1. These Regulations may be cited as the Agriculture (Safety of Children and Young Persons) Regulations (Northern Ireland) 2006 and shall come into operation on 31st October 2006."

REGULATION

2

REGULATION 2 - INTERPRETATION

"2. In these Regulations-

"adult" means a person who has attained the age of 18 years;

"agricultural activities"-

(a) includes horticulture, fruit growing, seed growing, dairy farming, livestock breeding and keeping, including the management of livestock up to the point of slaughter or export from Northern Ireland, forestry, the use of land as grazing land, osier land, market gardens and nursery grounds and the preparation of land for agricultural use;

(b) does not include such activities at a garden centre or other shop,

and for this purpose "livestock breeding and keeping" does not include activities the main purpose of which is entertainment;

REGULATION

2

“agricultural machinery” means-

- (a) *a vehicle or other machinery designed mainly for use in agricultural activities;*
- (b) *a vehicle mainly used in agricultural activities;*

“child” means a person who has not attained the age of 16 years;

“livestock” means any creature kept for the production of food, wool, skins or fur or for the purpose of any agricultural activity;

“young person” means a person who has attained the age of 16 years but has not attained the age of 18 years.”

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16 These Regulations are intended to protect all children and young people, whether they are employed or not. A child is a person who has not attained the age of 16 years. The Regulations apply to the sons and daughters of farmers and to young people who are members of the public who may come into contact with agricultural activities.

17 Farmers (whether employers or self-employed), persons in charge of an agricultural operation, contractors carrying out agricultural activities and those maintaining agricultural machinery (whether on a farm or not) are responsible for complying with these Regulations.

18 Agricultural machinery means vehicles designed mainly for agricultural use such as tractors, their implements, various types of harvesters etc. It also includes vehicles such as some All Terrain Vehicles (ATVs) and road-going vehicles that are used mainly around the farm.

REGULATION

3

REGULATION 3 - PREVENTION OF ACCESS

“3. Every employer and self-employed person shall so far as is reasonably practicable prevent a child from gaining access to any hazardous part of premises used by him for agricultural activities except under the supervision of an adult.”

ACoP

19 This regulation is intended to add legal weight to the need to introduce and maintain measures to control risks to children arising from these hazardous areas of the farm. Where the hazard cannot be eliminated, measures such as fencing or covering hazards should be introduced to keep children away from the danger. Failing this, children should only be permitted access to a hazardous part of the farm when under supervision of a responsible adult. The degree of supervision will depend on the maturity of the child and his/her understanding of the dangers. Children under 5 years should be closely supervised by an adult and always kept in sight. Nothing in this regulation contradicts or limits the public's right of access to public rights of way, to public paths established under The Access to the Countryside (Northern Ireland) Order 1983^(a) or to land which is subject to an access agreement or access order under The Access to the Countryside (Northern Ireland) Order 1983.

20 The provision of a secure play area for young children will go a long way in protecting them from accidents on the farm.

21 Farmers should tell their children which areas of the farm are hazardous and where they should not go unless in the company of an adult. The hazards should be explained to the children so they understand how accidents can occur. All children visiting the farm, and if necessary their guardians, should be given similar information and instruction. In some cases, it may be appropriate to display warning notices.

22 Those in control of the agricultural activity will need to review their risk assessment if circumstances change. For example, re-roofing work is likely to introduce additional hazards and risks including roofing material falling onto a child in an area of the farm, which might have previously been regarded as safe.

^(a) S.I. 1983/1895 (N.I. 18)

ACoP

23 An analysis of the 28 children killed on farms in Northern Ireland between 1990/91 and 2005/06 shows that the principal causes of the accidents as: -

- a. falls from moving vehicles;
- b. drowning and asphyxiation;
- c. being struck by moving vehicles;
- d. overturning tractors;
- e. being struck by heavy falling objects; and
- f. fire.

Falls from moving vehicles

24 This is the biggest cause of fatal agricultural accidents to children. Regulation 5 bans children under the age of 13 from riding in or on agricultural machinery (see paragraph 37). In particular children should never be permitted to ride in front mounted buckets or pallets on handlers.

Drowning and asphyxiation

25 One in four child fatalities have resulted from drowning in slurry tanks and a rain filled excavation as well as asphyxiation below bulk grass as a silage clamp was being filled. Slurry tanks, lagoons and reservoirs should be fenced. Entrances to grain bins should be kept locked except when work is going on. Access to sheep dips should be prevented by covering.

26 A child's desire and ability to explore and play in seemingly inaccessible places and their curiosity or taste for adventure should never be underestimated. Care should be taken not to stack bales, sacks etc. in a way that will enable children to use them to gain access to hazardous areas.

ACoP

Being struck by moving vehicles

27 This is one of the main causes of agricultural accidents to children. All too often children play too near tractors and other agricultural machinery, are not seen by drivers, and are run over. Children should be excluded from areas where vehicles manoeuvre, particularly at busy times of the year such as harvesting, silage making, bale carting and slurry spreading. Account should also be taken of delivery and collection vehicles, which visit the farm. Farmers and others in control of agricultural activities should also examine the layout of the farmyard to identify dangerous features such as blind corners, doors that open onto vehicle routes around the farmyard, tight turns, narrow roadways etc. and should introduce measures to manage traffic safety.

28 This might include erecting barriers or fencing to minimise access to these areas, locking certain doors to farm buildings etc. Where prevention is impractical, every effort should be made to: -

- a. reduce vehicle movements;
- b. reduce vehicle speed;
- c. eliminate the need for reversing;
- d. avoid blind reversing without a banksman or guide;
- e. erect mirrors at blind corners or bends; and
- f. erect warning signs to remind drivers that young people are in the vicinity, and that they should drive with extra care.

29 Where practicable, drivers of vehicles also need to be made aware of, and follow, these simple precautions: -

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- a. check that children and young people are not in the area before getting into the vehicle;
- b. ensure that they drive at a safe speed;
- c. ensure they can stop within the distance they can see to be clear (especially around corners or when approaching obstructions);
- d. lower mounted equipment to the ground;
- e. apply the parking brake, when stationary;
- f. stop the engine; and
- g. remove the starting key and lock or otherwise secure the vehicle.

Remember, children must be supervised unless the area is made safe or access to the hazardous part of the farm is denied.

Overturning Tractors

30 One in nine child fatalities has resulted from children travelling as passengers on overturning tractors. Regulation 5 bans children under the age of 13 from riding on agricultural machinery such as tractors and this should be adhered to at all times regardless of who is driving the tractor.

Falling objects

31 One in seven fatalities has been caused by detached gates or concrete block walls falling on children. All gates, wheels, heavy items of machinery or equipment and other unstable objects should be secured or laid flat on the ground. All stacks of bales, pallets or timber etc should be stable and arranged to prevent children from climbing up them. All freestanding block walls should be checked for structural stability and should be repaired and replaced as necessary.

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Fire

32 Children are most at risk from fire when playing on stacks of hay or straw. They often make dens in or on stacks, and may have matches or candles with them for extra light. Farmers and those in control of agricultural activities should check for evidence of children playing around, in, or burrowing under stacks. If there are any signs of this, fence off the area, or contact the parents and ask them to keep children away to prevent it happening again.

33 Children may also be at risk if asked or allowed to build bonfires on the farm. They may not realise that flammable liquids should never be used to light or refresh a bonfire and may get too close or be caught unawares by the fire suddenly flaming. Do not allow children to help with bonfires, and always make sure they are completely extinguished before leaving them. All flammable liquids, especially petrol, should be kept in a safe and secure store.

Other hazards

34 Other hazards, which pose significant risks to children, are: -

(a) Contact with animals

Animals do not need to be aggressive to seriously harm or even kill a child. A playful bull, cow, sheep or pig has the potential to cause serious injury. The most effective way of reducing the risk to children from animals is to keep children away from them, or allow contact only when they are under the direct supervision of an adult.

Children should not be allowed to enter, even when accompanied by an adult, enclosed pens or paddocks housing the following animals: -

- (i) calving or recently calved cows;

- (ii) bulls;
- (iii) boars;
- (iv) stallions;
- (v) rams;
- (vi) stags; or
- (vii) any other animal known to be aggressive.

There may be good educational and developmental reasons for encouraging children and young people to have contact with animals. In some circumstances you may wish to allow children to enter enclosed yards housing the following animals: -

- cows;
- sows;
- mares;
- ewes;
- does; and
- other similar female animals.

This should only be permitted if the children are under the direct supervision of an adult and newborn young do not accompany the animals. Animals can carry diseases that can be passed to humans (zoonoses). These include diseases such as orf, which causes skin lesions and E coli 0157, which may cause serious diarrhoea or death. To limit the risk to minors being affected by these diseases, the following precautions should be taken: -

- discourage them from putting their fingers in their mouths;

- ensure that they have washed and dried their hands thoroughly before allowing them to eat or drink after contact with animals, or areas, which animals have soiled.

(b) Hazardous substances

Children may be particularly at risk because of their lack of awareness of the hazards. All hazardous substances including pesticides and veterinary medicines kept on the farm should be locked away at all times, if they are not being used.

Although children are not at any greater risk than adults from hazardous substances such as dusts, they may not have the maturity to comply with the necessary control measures such as wearing respiratory protective equipment. It is therefore advisable to restrict children from those work areas where it is not possible to control hazardous substances by means other than the use of an approved respirator.

(c) Falls from height

There is always a risk of serious accidents to children as a result of falls from height. Unless prevented, children will almost inevitably want to explore heights and high structures such as silos and stacks of bales. Possible ways of preventing access might mean securing certain farm buildings, removing portable ladders or blanking out fixed ladders. Bale stacks should be dismantled in such a way as to prevent easy access for children to climb to the top.

(d) Contact with machinery

Contact with machinery is a major cause of accidents to children. All dangerous parts of machinery e.g. power take-off shafts should be guarded or fenced. If a child or young person enters an area from which they are excluded, operators should stop work until it is safe to continue and report the incident to the employer or parent if appropriate.

REGULATION

REGULATION 4 - PROHIBITION ON CHILDREN OPERATING AGRICULTURAL MACHINERY

“4. An employer or self-employed person shall not cause or permit a child under the age of 13 years to___

- (a) drive, tow or otherwise operate agricultural machinery in the course of agricultural activities; or*
- (b) drive or tow such machinery to or from the site of such activities.”*

4

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35 This regulation applies to children under the age of 13 years. They are not permitted to drive, tow or operate any agricultural machinery in the course of agricultural operations or to or from those operations. This includes driving tractors, but it also means that children under the age of 13 years are not allowed to operate stationary agricultural machinery or operate specialist farm vehicles while stationary e.g. tractor mounted ditch digging equipment. It also means that they are not allowed to drive non-licensed road going vehicles that are used for agricultural activities around the farm.

36 This regulation also bans children under the age of 13 years from driving ATV Quad Bikes in the course of agricultural activities. Most of these vehicles are designed for use only by operators over 16 years of age. Although no fatalities, involving children at work, have been recorded in Northern Ireland, a number of children have been killed in Great Britain when riding on such vehicles, which unlike tractors cannot be fitted with cabs or rollover protection.

REGULATION

REGULATION 5 - PROHIBITION ON CHILDREN RIDING ON AGRICULTURAL MACHINERY

“5. An employer or self-employed person shall not cause or permit a child who is under the age of 13 years to ride in or on agricultural machinery in the course of, or to or from the site of, agricultural activities.”

5

ACoP

37 This regulation bans children under 13 years of age from riding on agricultural machinery in the course of agricultural activities or to or from them. Some examples of agricultural machinery are given at paragraphs 35 and 36.

REGULATION

REGULATION 6 - PROHIBITION ON CHILDREN AND RESTRICTION ON YOUNG PERSONS MAINTAINING AGRICULTURAL MACHINERY

“6.-(1) An employer or self-employed person (“the responsible person”) shall not cause or permit a child to maintain agricultural machinery.

(2) The responsible person shall not cause or permit a young person to maintain such machinery, unless the maintenance is supervised by a competent adult.”

6

ACoP

38 This regulation bans children from maintaining agricultural machinery except to carry out routine pre-start checks e.g. fuel, oil, water, tyre pressures, brake balance, air filter etc.. It also restricts young people from maintaining agricultural machinery unless under the supervision of a competent adult. This includes servicing, repairing and cleaning it. This regulation applies to any circumstances where agricultural machinery might be maintained including farms, agricultural colleges and agricultural engineering premises.

REGULATION

REGULATION 7 - RESTRICTION ON THE USE OF AGRICULTURAL MACHINERY

“7.-(1) An employer or self-employed person (“the responsible person”) shall not cause or permit a child aged 13 years and over or a young person to drive, tow or otherwise operate agricultural machinery in the

7 (1)

REGULATION

course of agricultural activities, or to drive it to or from the site of such activities unless___

- (a) *the child or young person is supervised by a competent adult;*
- (b) *the child or young person has received adequate training;*
- (c) *it is necessary for his practical training;*
- (d) *having carried out a risk assessment, any risk is reduced to the lowest level that is reasonably practicable; and*
- (e) *where the child or young person is not an employee, the requirements of the Provision and Use of Work Equipment Regulations (Northern Ireland) 1999^(a) are complied with in relation to his use of the machinery as if-*
 - (i) *he were an employee of the responsible person; and*
 - (ii) *the machinery were work equipment within the meaning of those Regulations.*

(2) *In this regulation-*

- (a) *“adequate training” means having attained a certificate of competence by attending a relevant machinery course; and*
- (b) *“risk assessment” means a risk assessment carried out in accordance with the provisions of the Management of*

(a) S.R. 1999 No. 305, amended by S.I. 1999/2001, S.R. 2000 No. 87, S.I. 2001/1701, S.R. 2003 No. 423, S.I. 2004/129, S.R. 2005 No. 279, S.R. 2005 No. 397 and S.R. 2006 No. 1

ACoP

Health and Safety at Work Regulations (Northern Ireland) 2000^(a)”.

39 This regulation applies the principles set out in the Management Regulations for the protection of young people over compulsory school age i.e. 16-17 years, and which apply to all other businesses. This means that children aged 13 years and over and young people can only use agricultural machinery in the circumstances specified in regulation 7 including where they are supervised by a competent adult and where this is necessary for their practical training.

40 A precondition is that the child or young person has received adequate training. Adequate training means having attained a certificate of competence by attending a relevant machinery course such as that offered by LANTRA, the National Proficiency Tests Council (NPTC) or similar industry recognised training/assessment organisation. To satisfy the standard required by this regulation, adequate training should cover the elements detailed in Appendix B.

41 The Provision and Use of Work Equipment Regulations (Northern Ireland) 1999 (PUWER) apply to all work equipment. Usually PUWER only apply to employees. However, regulation 7 of these Regulations extends the requirements of PUWER to children and young people who are not employees, and who - subject to complying with all the other conditions in the Regulations - are permitted to use agricultural machinery. This is consistent with the general principles that the Agriculture Safety Regulations apply to children and young people affected by agricultural activities whether they are regarded as employees or not.

42 Because of the risks arising from the use of agricultural machinery by an unskilled or inexperienced operator, HSENI

(a) S.R. 2000 No. 388, amended by S.R. 2001 No. 348, S.R. 2003 No. 454 and S.R. 2006 No. 255

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recommends that children aged 13 years and older should not operate the machinery listed below. A young person aged between 16 and 18 years may only use the following types of machinery in the course of agricultural activities for the purpose of training and under the supervision of a competent adult: -

- harvesting machinery;
- trailed machines with loading, mixing, conveying, cutting or spreading mechanisms;
- cultivation machinery with power driven soil engaging parts;
- power take-off (PTO) driven slurry tankers or slurry pumps;
- PTO driven generators, welders and cement mixers;
- powered machinery for the processing or mixing of animal feed;
- power driven machinery with cutting, grinding, crushing or splitting mechanisms including chain-saws, including stationary PTO driven equipment;
- field drainage and ditch maintenance machinery; and
- machinery on tracks.

The above list is not exhaustive and should include any other equipment considered, on the basis of risk assessment, to be unsuitable for operation by people in this age group.

The following machinery may only be used with the appropriate certification: -

- self-propelled loaders, handlers and lift trucks can only be used when the operator attains the appropriate certification of basic training; and
- pesticide application equipment can only be used when the operator holds the appropriate certificate of competence.

REGULATION

REGULATION 8 - DEFENCE

“8. It shall be a defence for a person charged with a contravention of a provision of these Regulations to prove that he used all due diligence to secure compliance with that provision.”

8

REGULATION

REGULATION 9 - REVOCATION OF THE AGRICULTURE (SAFETY OF CHILDREN) REGULATIONS (NORTHERN IRELAND) 1981 AND THE AGRICULTURE (SAFETY OF CHILDREN) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 1983

“9. The Agriculture (Safety of Children) Regulations (Northern Ireland) 1981^(a) and the Agriculture (Safety of Children) (Amendment) Regulations (Northern Ireland) 1983^(b) are hereby revoked.”

9

REGULATION

REGULATION 10 - AMENDMENT OF THE AGRICULTURE (TRACTOR CABS) REGULATIONS (NORTHERN IRELAND) 1993

“10. In the Agriculture (Tractor Cabs) Regulations (Northern Ireland) 1993^(c) for paragraphs (4) and (5) of regulation 6 (Obligations on employers, employees and others) there shall be substituted-

“(4) Notwithstanding regulation 7 of the Agriculture (Safety of Children and Young Persons) Regulations (Northern Ireland) 2006 a person who has attained the age of thirteen years but has not attained the age of eighteen years shall not drive a tractor in the course of agricultural operations or while it is travelling to or from the site of such operations, and a person shall not cause or permit him to do so, unless the tractor is properly fitted with an enclosed approved safety cab.

(5) Notwithstanding paragraphs (1), (2), (3) and (4) and regulations 4, 6 and 7 of the Agriculture (Safety of Children and Young Persons) Regulations (Northern Ireland) 2006 a person shall not drive a tractor in the course of agricultural operations, or drive it to or from the site of such operations unless it is properly fitted with a safety cab marked with the appropriate approval mark.”

(a) S.R. 1981 No. 6

(b) S.R. 1983 No. 355

(c) S.R. 1993 No. 477, amended by S.R. 1997 No. 149 and S.R. 1999 No. 150

10

APPENDIX A

A SUMMARY OF THE LEGISLATIVE FRAMEWORK RESTRICTING CHILD EMPLOYMENT AND PROTECTING THE HEALTH, SAFETY AND DEVELOPMENT OF CHILDREN AND YOUNG PEOPLE

Restrictions on Child Employment

1 The Employment of Women, Young Persons and Children Act 1920 (c. 65) prohibits the employment of children in any “industrial undertaking” including mines and quarries, manufacturing industry, construction and the transport of passengers or goods by road, rail or inland waterways. A farm is not regarded as an industrial undertaking.

2 The main provisions governing children's employment are contained in Articles 135 and 136 of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)). They limit employment to those aged 13 or over and provide that no child below the upper limit of compulsory school-leaving age (i.e. around the child's 16th birthday) may be employed before 7am or after 7pm on any day or for more than 2 hours on any school day.

The Employment of Children Regulations (Northern Ireland) 1996 (S.R. 1996 No. 477) place further restrictions on the hours and conditions and the nature of employment permitted. The Regulations prohibit the employment of children in any occupation other than one specified in the Schedule to the Regulations. They also prescribe, subject to the restrictions imposed by the Children Order, the number of hours in each day or in each week for which they may be employed; the intervals for meals and rest; the holidays to be allowed to them; and any other conditions to be observed in relation to their employment. The Regulations also provide that no child shall be employed for more than two hours on a Sunday.

APPENDIX A

Protecting the Health and Safety of Children at Work

3 Where children not over the upper limit of compulsory school age and young persons (over the upper limit of compulsory school age but under 18 years) are employed they are protected to at least the same level as adult employees. But, health and safety law recognises that young people may be particularly vulnerable because of their inexperience, lack of awareness of risks and immaturity. The Management of Health and Safety at Work Regulations (Northern Ireland) 2000 (“the Management Regulations”) therefore require the employer, in making an assessment of the risks to the health and safety of young workers, to take account of particular factors (Regulation 3(5)).

4 In addition to the general requirement for the employer to provide his employees with information on the risks identified by the risk assessment and the control measures to be introduced, the Management Regulations also require the employer of children to provide this information to their parents/guardians (Regulation 10(2)).

5 The outcome of the risk assessment determines whether young people are permitted to do the work. Employers must ensure that young workers are protected from any risks to their health and safety which are a consequence of their lack of experience, absence of awareness of existing or potential risks or immaturity (Regulation 19(1)). The Management Regulations lists specific work which young workers are not permitted to undertake (Regulation 19(2)). However, young persons over compulsory school age are permitted to do such work; where it is necessary for their training; where they are supervised by a competent person; and where any risk is reduced to the lowest level that is reasonably practicable (Regulation 19(3)).

6 This legislative framework describes the law applying to young persons who are employees. The Agriculture (Safety of Children and Young Persons) Regulations (Northern Ireland) 2006 build on this framework, but also apply where children are not employed.

APPENDIX A

Compulsory School Age

7 A definition of compulsory school age can be found in Article 46 of the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/584 (N.I. 3)).

8 In general terms “compulsory school age” means any age between four years and sixteen years and accordingly a person shall be of compulsory school age if they have attained the age of four years and have not attained the age of sixteen years. However, in the above references we are primarily concerned with the upper limit of compulsory school age. The formula for working out the upper limit of compulsory school age is as follows: where a child attains the age of sixteen on any date occurring in the period beginning on (and including) 1st September in any year and ending on (and including) 1st July in the following year (i.e. the school year), he can leave on the 30th June of that school year. However, where the child attains the age of sixteen in the period beginning on (and including) 2nd July in any year and ending on (and including) 31st August in the same year he cannot leave school until 30th June of the following school year (i.e. complete the following school year).

APPENDIX B

ADEQUATE TRAINING REQUIREMENTS FOR THE OPERATION OF AGRICULTURAL MACHINERY

1. To satisfy the standard required by the Regulations training must cover the elements laid down in the National Occupational Standard by the Agricultural Industry. In addition to the National Occupational Standards young persons should hold a recognised assessment of training in the safe operation of PTO driven equipment. All training should include the following elements: -

Basic training

2. The basic skills and knowledge required for safe operation.

Specific on the job training

3. Knowledge of the workplace and experience of using the required specific implements to acquire competence away from commercial production operations and other pressures.

Familiarisation training

4. Operation on the job with on-going competent adult supervision and updating when different machinery or techniques are introduced.

5. The training shall be based on wheeled agricultural tractors and their associated implements.

6. Anyone driving an agricultural vehicle on the public highway must comply with the appropriate road traffic legislation.

Selection of people to carry out training

7. Operator training should only be carried out by persons who themselves hold a valid certificate from a nationally recognised awarding body for instruction and/or assessment in tractor driving.

APPENDIX B

Selection of people for training

8. Those accepted for training should have adequate physical and mental fitness, as well as sufficient learning ability and maturity for the task. They should be able to reach the controls for safe operation and have adequate visibility around the machine from the driving position.

Venue for training

9. Basic training may be given at a suitable venue and, where practicable, sheltered from adverse weather conditions. Tractors and machinery must be maintained in good mechanical condition conforming to all legal requirements and be suitable for the intended purpose. A suitable manoeuvring area should be provided and appropriately marked out. When training is in progress, only the instructor and trainees should be permitted there. Unless required to simulate actual operating conditions the site should not include steeply sloping terrain.

The training

10. A sufficient range of implements should be available to provide the necessary range of practical training which should be of sufficient duration for the trainees to acquire the basic skills and knowledge for safe operation. The ratio of instructors to trainees should be sufficient (suggested not more than 4:1) to give adequate time to practice operating the equipment under close supervision and prepare for the practical tests.

11. The more basic skills should be dealt with first before progressing to more difficult operations and providing adequate explanation and demonstration at each stage.

Assessment and testing

12. The instructor/assessor should continuously assess the candidate's progress to ensure that the required standards are achieved at each stage of basic training and/or assessment.

APPENDIX B

Candidates are required to pass a test or tests, practical and theoretical, of the skills and knowledge needed for safe and efficient operation. The quality of training or assessment must be independently verified by an external training or awarding body.

Certificates of competence

13. On successful completion of training and testing, to a recognised national standard, the trainee should be issued with an original and distinctive certificate as documentary evidence of their attainment of the appropriate level of operating competence.

Relevant competences

14. In addition to those standards specified by a recognised national official training / standard setting body the instruction and testing should be based on the operating recommendations set out within the appropriate machine manufacturer's operator manual.

15. For basic tractor operation the "Tractor Action" booklet (ref HSENI 09 -02-A) should also be regarded as a resource.

APPENDIX C

HSENI PUBLICATIONS

The Guide to Health and Safety in Agriculture

HSENI 01-10-A - Free

Tractor Action - A Step-by-Step Safety Guide

HSENI 09-02-A - Free

Stay Safe on the Farm

HSENI 11-02 - Free

Protecting You and Your Family from Brucellosis

HSENI 10-03-A - Free

Dangerous Playgrounds

HSENI 04-02-A - Free

Management of health and safety at work - Management of Health and Safety at Work Regulations 1999 Approved Code of Practice & Guidance

L21 (ISBN 0-7176-2488-9) £8.00

(HSEGB Publication approved by HSENI for use in Northern Ireland)

Safe use of work equipment - Provision and Use of Work Equipment Regulations 1998 Approved Code of Practice and Guidance

L22 (ISBN 0-7176-1626-6) £8.00

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