



**Isle of Man**

*Ellan Vannin*

**AT 29 of 1974**

**AGRICULTURE (SAFETY HEALTH AND  
WELFARE PROVISIONS) ACT 1974**





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**Isle of Man***Ellan Vannin*

## AGRICULTURE (SAFETY HEALTH AND WELFARE PROVISIONS) ACT 1974

*Received Royal Assent:* 25 July 1974

*Passed:* 15 October 1974

*Commenced:* 1 July 1975

AN ACT to provide for securing the safety, health and welfare of persons employed in agriculture, and certain other occupations whose working conditions are of a like nature, the avoidance of accidents to children arising out of the use, in connection with agriculture and such other occupations of vehicles, machinery or implements, and for compulsory insurance against liability for, and financial assistance in respect of, the obligations imposed on employers of workers employed in agriculture by this Act.

### **1 Regulations for securing safety and health of employees**

[1956/1]

- (1) to (5) [Repealed]<sup>1</sup>
- (6) A person who contravenes any provision of regulations under this section shall be guilty of an offence.

### **2 Lifting excessive weights**

[1956/2]

- (1) A young person shall not be employed as a worker in agriculture to lift, carry or move a load so heavy as to be likely to cause injury to him.
- (2) [Repealed]<sup>2</sup>
- (3) In the event of a contravention, in the case of any worker, of the provisions of subsection (1) of this section or of regulations made under subsection (2) thereof, his employer shall be guilty of an offence.

### 3 General provisions as to sanitary conveniences and washing facilities

[1956/3]

- (1) If it appears to the Department that an agricultural unit on which workers are employed in agriculture is without suitable and sufficient sanitary conveniences available for the use of workers so employed, the Department shall, by notice to 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 available for the use of workers employed thereon in agriculture as may be specified in the notice.<sup>3</sup>
- (2) If it appears to the Department that an agricultural unit on which workers are employed in agriculture is without suitable and sufficient washing facilities available for the use of workers so employed, the Department shall, by notice to 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 washing facilities available for the use of workers employed thereon in agriculture as may be specified in the notice.<sup>4</sup>
- (3) In considering, for the purposes of this section whether an agricultural unit is or is not without suitable and sufficient sanitary conveniences available for the use of workers employed on the unit in agriculture or, as the case may be, is or is not without suitable and sufficient washing facilities for the use of workers so employed, regard shall be had to the number and sex of the workers so employed, the location and duration of their work and all other relevant circumstances.
- (4) A notice under this section requiring the execution of works involving the provision of fixed equipment must specify the place where the works are to be executed.
- (5) The Department shall not serve a notice under this section requiring the execution of works involving the provision of fixed equipment unless it is satisfied that special circumstances exist which render requisite the provision of such equipment, and no such notice shall be of any effect unless it states that the Department is so satisfied and what those circumstances are.<sup>5</sup>
- (6) For the purposes of this section the expression “appropriate person” means —
  - (a) in the case of a notice requiring the execution, on land comprised in an agricultural holding or a farm business tenancy, of works involving the provision of fixed equipment, the landlord;<sup>6</sup>
  - (b) in any other case, the occupier of the unit to which the notice relates.

- (7) A person aggrieved by a notice under this section requiring him to execute works involving the provision of fixed equipment may, within twenty-eight days from the service of the notice, appeal to a magistrates' court on any of the following grounds which are appropriate to the circumstances of the case, namely –
- (a) that the Department has refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary;<sup>7</sup>
  - (b) that it is unreasonable to require the execution of the works at the place specified in the notice;
  - (c) that the time within which the works are to be executed is not reasonable for the purpose;
- and a magistrates' court may make such order either confirming or quashing or varying the notice as it thinks fit.
- (8) (a) An appeal shall lie by the Department or the person aggrieved to the Civil Division (Summary Jurisdiction) of the High Court, from an order of the Magistrates Court.<sup>8</sup>
- (b) Any order of the High Court other than appeal under this subsection shall for the purposes of the enforcement of the order, be treated as if it was an order of the magistrates' court from which the appeal was brought and not of the High Court.
- (c) Any appeal under this subsection shall be by petition stating the grounds of the appeal presented within 14 days of the date of the order of the Magistrates' Court and at no time thereafter when the appellant shall serve not later than seven days before the date fixed by the High Court for the hearing of the petition, a copy of the petition and of the order for hearing on the Department where the Department is not the appellant and on the appropriate person in any other case.<sup>9</sup>
- (d) The Court may adjourn the hearing from time to time and if from accident or mistake due notice of the petition of appeal has not been given or if an additional notice appears to be required, the court may if it thinks just, order notice of appeal to be given on such terms as to costs, or otherwise, as it thinks fit.
- (e) The appeal shall be by way of re-hearing. The court may make any order the Magistrates' Court may have made and the costs of the appeal shall be in the discretion of the court, and the court may award execution for such costs.
- (9) Subject to the rights of appeal conferred by the foregoing provisions of this section and (where an appeal is brought in exercise of any such right) to any order made by a magistrates' court or the High Court on an appeal, a person upon whom a notice is served under this section who

fails to comply with the requirements of the notice shall be guilty of an offence:

Provided that, in any proceedings under this subsection for an offence consisting in a failure to comply with the requirements of a notice other than one to which subsection (7) of this section applies, it shall be open to the defendant to question the reasonableness of the requirements of the notice.

- (10) Where a landlord has been required to carry out any work under this section the rent of the unit may, if the landlord by notice in writing served on the tenant within six months of the completion of the work so requires, be increased as from such completion by an amount not exceeding six per centum or such other percentage as may be determined by regulation of the Department of the cost of the work as certified by or on behalf of the Department:

Provided that, where a grant has been made to the landlord in respect of the work out of monies provided by Tynwald, any increase in rent under the foregoing provisions of this subsection shall be reduced proportionately.<sup>10</sup>

- (11) If any dispute shall arise between the landlord and the tenant as to the amount of the increase in rent to which the landlord is entitled under subsection (10) of this section the same shall be determined by a single arbitrator under the provisions of the Arbitration Acts 1910 and 1935.

#### 4 [Repealed]<sup>11</sup>

#### 5 **Power of Department to secure maintenance and cleanliness of sanitary conveniences**

[1956/5]

- (1) If it appears to the Department that a sanitary convenience provided for the use of workers employed in agriculture on an agricultural unit within their district (being a convenience provided on the unit or provided in pursuance of regulations under the last foregoing section elsewhere) is not being properly maintained or is not being kept clean, it shall, by notice to the occupier of the unit (or, where the convenience is provided in pursuance of such regulations as aforesaid, to the person who provided it) require him, as the case may be, to take, within such time as may be specified in the notice, such steps for the purpose of securing the proper maintenance of the convenience as may be so specified or to cleanse the convenience forthwith.<sup>12</sup>
- (2) A person who fails to comply with the requirements of a notice under this section shall be guilty of an offence:

Provided that, in any proceedings under this subsection for an offence consisting of a failure to comply with the requirements of a notice

requiring the taking of steps for the purpose of securing the proper maintenance of a convenience, it shall be open to the defendant to question the reasonableness of the requirements of the notice.

## **6 First aid**

[1956/6]

- (1) A worker employed in agriculture shall not be employed to work on an agricultural unit unless there is provided thereon a first aid box or cupboard which —
  - (a) contains first aid requisites and appliances of such descriptions and in such quantities as may be prescribed by regulations;
  - (b) contains no articles other than first aid requisites or appliances;
  - (c) is conspicuously marked on the outside with the words “First Aid”; and
  - (d) is accessible to him.
- (2) and (3) [Repealed]<sup>13</sup>
- (4) In the event of a contravention of the provisions of subsection (1) of this section in the case of a worker, his employer shall be guilty of an offence, and a person who contravenes any provision of regulations under subsection (2) of this section shall be guilty of an offence.

### *Measures for Avoiding Accidents to Children*

## **7 Power to prohibit children from riding on or driving vehicles, machinery or implements used in agriculture**

[1956/7]

- (1) and (2) [Repealed]<sup>14</sup>
- (3) A person who causes or permits a child, in contravention of the provisions of regulations under this section, to ride on or drive a vehicle or machine or, as the case may be, to ride on an agricultural implement, shall be guilty of an offence.

### *Notification and Investigation of Accidents and Diseases*

## **8 [Repealed]<sup>15</sup>**

## **9 Inquest in case of death by accident**

[1959/9]

- (1) Where a coroner holds an inquest on the body of a person whose death may have been caused by an accident occurring in the course of agricultural operations, the coroner may adjourn the inquest to enable an

inspector or some other person on behalf of the Department to be present to watch the proceedings, and shall, at least four days before holding the adjourned inquest, give to an inspector notice of the time and place of holding the adjourned inquest.

Provided that —

- (a) the coroner, before the adjournment, may take evidence to identify the body and may order the interment thereof; and
  - (b) if the inquest relates to the death of not more than one person, the coroner shall not be bound to adjourn the inquest in pursuance of this section if, not less than twenty-four hours before it is held, he informed an inspector of the time and place of the holding thereof.<sup>16</sup>
- (2) Where evidence is given at any such inquest at which an inspector is not present of any neglect as having caused or contributed to the accident, or of any defect in any building, structure, machinery, plant, equipment or appliance appearing to the coroner or jury to require remedy, the coroner shall give to an inspector notice of the neglect or defect.

## 10 and 11 [Repealed]<sup>17</sup>

### *Supplementary Provisions*

## 12 to 14 [Repealed]<sup>18</sup>

## 15 Duties of employees

[1956/13]

- (1) A worker employed in agriculture who wilfully interferes with, or misuses, any equipment, appliance, facilities or other thing provided in pursuance of this Act or regulations thereunder shall be guilty of an offence.
- (2) Nothing in this section shall be taken as limiting the power conferred by section 1 of this Act to make by regulations any such provision as is therein mentioned, including further provision as to matters which are the subject of this section.

## 16 and 17 [Repealed]<sup>19</sup>

## 18 Defence available to persons charged with offences

[1956/16]

It shall be a defence for a person charged with a contravention of a provision of this Act or of regulations thereunder to prove that he used all due diligence to secure compliance with that provision.

**19 to 24 [Repealed]<sup>20</sup>****25 Application to the Crown**

[1956/22]

Sections 1, 2 and 6 of this Act and regulations under any of those sections shall, in so far as they impose duties failure to comply with which might give rise to a liability in tort, be binding upon the Crown.

**26 [Repealed]<sup>21</sup>****27 Interpretation**

[1956/24]

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say: —

“**agriculture**” includes dairy farming, the production of any consumable produce which is grown for sale or for consumption or other use for the purposes of a trade or business or of any other undertaking (whether carried on for profit or not) and the use of land as a grazing, meadow or pasture land or orchard or osier land or woodland or for market gardens or nursery grounds, and “**agricultural**” shall be construed accordingly;

“**agricultural holding**” has the same meaning as in the *Agricultural Holdings Act 1969*;<sup>22</sup>

“**agricultural unit**” means land which is occupied as a unit for agricultural purposes;

“**Board**” [Repealed]<sup>23</sup>

“**consumable produce**” means produce grown for consumption or for other use after severance from the land on which it is grown;

“**the Department**” means the Department of Infrastructure;<sup>24</sup>

“**farm business tenancy**” has the same meaning as in the *Agricultural Tenancies Act 2008*;<sup>25</sup>

“**fixed equipment**” includes any building or structure affixed to land and any works on, in, over or under land, and also includes anything grown on land for a purpose other than use after severance from the land, consumption of the thing grown or of produce thereof, or amenity, and any reference to fixed equipment on land shall be construed accordingly;

“**inspector**” means an inspector within the meaning of the Health and Safety at Work etc. Act 1974 (an Act of Parliament), as it has effect in the Island;<sup>26</sup>

“**landlord**”, in relation to land comprised in an agricultural holding or farm business tenancy, has the same meaning as in the *Agricultural Holdings Act 1969* or the *Agricultural Tenancies Act 2008*, as the case may be;<sup>27</sup>

“**magistrates**” court” means a Court of Summary Jurisdiction constituted of two justices of the peace;<sup>28</sup>

“**worker**” means a person employed under a contract of service or apprenticeship and “**employer**” and “**employed**” have corresponding meanings;

“**young person**” means a person who is over compulsory school age for the purposes of the *Education Act 2001* but has not attained the age of eighteen.<sup>29</sup>

(2) Any reference in this Act to a contravention of any provision shall include a reference to a failure to comply with that provision.

## 28 Short title and commencement

(1) This Act may be cited as the Agriculture (Safety, Health and Welfare Provisions) Act 1974.

(2) This Act shall come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys, but shall not take effect until such date as the Board may by order appoint and different days may be appointed in respect of different provisions of this Act.<sup>30</sup>

**ENDNOTES****Table of Legislation History**

Legislation	Year and No	Commencement

**Table of Renumbered Provisions**

Original	Current

**Table of Endnote References**

<sup>1</sup> Subss (1) to (5) repealed by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 10 (applied SD155/98).

<sup>2</sup> Subs (2) repealed by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 10 (applied SD155/98).

<sup>3</sup> Subs (1) amended by GC121/86.

<sup>4</sup> Subs (2) amended by GC121/86.

<sup>5</sup> Subs (5) amended by GC121/86.

<sup>6</sup> Para (a) substituted by Agricultural Tenancies Act 2008 Sch.

<sup>7</sup> Para (a) amended by GC121/86.

<sup>8</sup> Para (a) amended by GC121/86 and by SD352/09.

<sup>9</sup> Para (c) amended by GC121/86.

<sup>10</sup> Subs (10) amended by GC121/86.

<sup>11</sup> S 4 repealed by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 10 (applied SD155/98).

<sup>12</sup> Subs (1) amended by GC121/86.

<sup>13</sup> Subss (2) and (3) repealed by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 10 (applied SD155/98).

<sup>14</sup> Subss (1) and (2) repealed by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 10 (applied SD155/98).

<sup>15</sup> S 8 repealed by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 10 (applied SD155/98).

<sup>16</sup> Subs (1) amended by GC121/86.

<sup>17</sup> Ss 10 and 11 repealed by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 10 (applied SD155/98).

<sup>18</sup> Ss 12 to 14 repealed by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 10 (applied SD155/98).

<sup>19</sup> Ss 16 and 17 repealed by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 10 (applied SD155/98).

<sup>20</sup> Ss 19 to 24 repealed by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 10 (applied SD155/98).

<sup>21</sup> S 26 repealed by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 10 (applied SD155/98).

<sup>22</sup> Definition of “agricultural holding”, previously “agricultural holding” and “landlord”, substituted by Agricultural Tenancies Act 2008 Sch.

<sup>23</sup> Definition of “Board” repealed by GC121/86.

<sup>24</sup> Definition of “the Department” substituted by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 9 (applied SD155/98) and amended by SD155/10 Sch 5.

<sup>25</sup> Definition of “farm business tenancy” inserted by Agricultural Tenancies Act 2008 Sch.

<sup>26</sup> Definition of “inspector” amended by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 9 (applied SD155/98).

<sup>27</sup> Definition of “landlord” inserted by Agricultural Tenancies Act 2008 Sch.

<sup>28</sup> Definition of “magistrates’ court” amended by Statute Law Revision Act 1997 Sch 1.

<sup>29</sup> Definition of “young person” amended by Education Act 2001 Sch 10.

<sup>30</sup> ADO (ss 1, 6, 7, 28) 1/7/1975 (GC of 5/2/75); (ss 9, 15, 18, 25, 27) 1/3/1976 (GC of 4/2/76).