

WORKING WITH PLANT AND MACHINERY IN AGRICULTURE



Helping to keep farmers safe and compliant



NFU Mutual
FARM INSURANCE

REGULATIONS IN AGRICULTURE

With lots of different regulations to contend with, it can be difficult to know which ones relate to agriculture and which ones don't.

Vulcan Inspection Services is on hand to help guide farmers through all the legislation that applies to them.

LOLER

Take the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER), for example, farmers often think they are exempt and that these regulations don't apply to them.

Unfortunately they do!

Before LOLER came into force in 1998, lifting equipment was subject to trade-specific regulations such as the Factories Act. If lifting equipment was being used on a farm, then it didn't fall under the regulations and a thorough examination was not required.

However, with the introduction of LOLER, the regulations applied to all lifting equipment, regardless of the trade or industry it is being used in.

In addition to this, where there is a risk of the equipment deteriorating and injuring someone then the machine must be thoroughly examined by a competent person of sufficient independence.

Whenever there is lifting equipment on a farm which lifts loads over, or in close proximity to people then it should be thoroughly examined at regular intervals (usually 6 monthly for lifting people or for accessories and 12 monthly for everything else). This includes employees, contractors, members of the public, and anyone else who comes onto the site.

FEE FOR INTERVENTION

Failing to have a thorough examination can lead to fines or prosecution by the HSE – or to the business being charged under HSE's 'Fee for Intervention' charging scheme. This scheme went live in October 2012 allowing the HSE to charge businesses who are found to be in material breach of Health and Safety law.

This includes failing to undertake a thorough examination of lifting equipment. During the period October 2012 to October 2015 the HSE issued over 47,000 fines with a total value over £21m. So it's really important to make sure that businesses are protected before the HSE come knocking.

The Health & Safety Executive's (HSE) Guidance document states that the following are examples of what is considered to be lifting equipment under LOLER:

- Tractor foreloaders, fork lift trucks and telescopic handlers (telehandlers)
- Workshop hoists and rope hoists
- Cranes on machines e.g. on lorries or fertiliser spreaders; and
- Lifting attachments and accessories.



LOLER states that a risk assessment must be carried out to look at (amongst other things):

- The suitability of the equipment for the job being performed e.g. people should only be raised on work equipment which is specifically designed for that purpose, such as mobile elevating work platform or a man-basket attachment, as opposed to in the bucket of a telescopic handler
- The risk of the load falling and striking someone
- The risk of the machine toppling over
- The safe working load, and making sure it is clearly marked on the machine and that the machine is CE marked (apart from in the case of non-integrated platforms on lift trucks – see HSE document PM28 for further information).

PSSR

Of course, it's not just lifting equipment that needs inspecting. Items under pressure, or using steam, should be thoroughly examined under the Pressure Systems Safety Regulations 2000 (PSSR).

Typical items which fall under these regulations are simple air receivers or cafe steam boilers.

COSHH

In addition, under the Control of Substances Hazardous to Health Regulations 2002, plant used for dust or fume extraction should also be inspected by an independent competent person, who will ensure it is safe for continued use.

EXAMPLES OF PROSECUTIONS

Transport is still one of the biggest killers on farms and, should there be a serious incident on a farm, the HSE will ask to see copies of all inspection reports.

The following are real examples of prosecutions:

In January 2014 a Farm Partnership was fined after a worker sustained critical injuries in a fall.

The 67 year old sustained critical injuries and was hospitalised for nine days following the incident. The worker had been standing in a potato box which had been balanced on the forks of a fork lift truck and raised six metres high to retrieve potato seeds from a shed.

The box became unbalanced when the forks restarted, sending the worker crashing three metres to the ground where he was found lying unconscious.

The owners were fined £3,000 plus costs.

In July 2014 a salad grower was fined after an employee had to jump from a runaway mobile platform.

The 63 year old was using a platform to pick bell peppers at heights of up to three metres, these were designed to work at ground level and not fitted with brakes.

On the day of the incident, the worker was picking bell peppers close to the top of a ramp which led to a greenhouse, when she pushed the trolley it travelled down the ramp. The worker jumped off the front of the trolley and tried to stop it hitting the greenhouse door but she was knocked unconscious.

The company was fined £22,000 and ordered to pay over £8,000 in costs.

In October 2014 a Somerset Nursery was fined for a fatal incident involving Hot Water Boiler Vessel Explosion.

One worker was killed and two were seriously injured in an explosion while emptying a pressurised tank used to heat greenhouses.

The workers were asked to unbolt a hatch cover from a pressure vessel while there was still pressure in the system.

This caused a huge release of pressure that sent the hatch flying across the room, followed by a large jet of water that swept everyone off their feet.

The HSE found that the work was not sufficiently planned and the workers had not been properly trained or supervised.

The nursery was fined £80,000 and ordered to pay £59,812 in costs.



THE NEXT STEP

For more information on how NFU Mutual and Vulcan Inspection Services can help your business please contact your NFU Mutual Agent for a conversation or to arrange a face-to-face meeting.

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