

1967/116

THE TRACTOR SAFETY FRAME REGULATIONS 1967

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 31st day of May 1967

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Machinery Act 1950, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Tractor Safety Frame Regulations 1967.

(2) These regulations shall come into force on the 1st day of June 1967.

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

“The Act” means the Machinery Act 1950:

“N.Z.S.S. 2146:1967” means the publication of the Standards Council known as the New Zealand Standard Specification for Safety Frames and Safety Cabs for Attachment to Agricultural Wheeled Tractors:

“Owner”, in relation to a tractor, includes the hirer and any person for the time being in charge or apparently having the control or management of the tractor:

Expressions defined in the Act have the meanings so defined.

(2) In these regulations a reference to a numbered form is a reference to a form so numbered in the Schedule to these regulations.

3. Approval of testing institutions—(1) The Minister may, pursuant to an application in that behalf, if he is satisfied that an institution has the necessary facilities and equipment, approve any institution as an approved testing institution for the purposes of section 21B of the Act.

(2) The Minister, if he is of the opinion that an approved testing institution is no longer qualified to operate as such, may cancel any approval given under this regulation.

4. Application for report by approved testing institution—(1) Any person who intends to manufacture and sell or to sell a safety frame or to fit a safety frame to a tractor used or intended to be used in agricultural operations shall, unless a certificate of approval under section 21B of the Act is for the time being in force with respect to the particular frame, make application in form 1 to an approved testing institution for a report in form 2 with respect to the safety frame.

(2) The application shall be accompanied by—

- (a) Clear working drawings of the safety frame and of the mountings for each make and model of tractor to which it is intended to attach the frame; and
- (b) A schedule giving details of all materials used in the construction of the safety frame; and
- (c) A schedule of the make, or makes, and model, or models of tractors to which it is intended that the safety frame is to be fitted; and
- (d) Such particulars as are known to the applicant of any test or tests which have been performed on the safety frame or one of generally similar design, whether in New Zealand or elsewhere.

(3) The applicant shall supply on request such other information and such certificates as may be required by the approved testing institution.

(4) The applicant shall supply the approved testing institution with such safety frames and such of the makes and models of tractors included in the schedule referred to in paragraph (c) of subclause (2) of this regulation as may be required by the approved testing institution for the purpose of performing the tests prescribed in regulation 10 or regulation 11 of these regulations and the examination required by regulation 12 of these regulations, and shall pay such fee as is agreed upon between the Secretary and the approved testing institution in respect of any such tests and examination.

5. Report of approved testing institution—(1) On completion of the tests prescribed in regulation 10 or regulation 11 of these regulations and the examination required by regulation 12 of these regulations, the approved testing institution shall, unless the applicant withdraws his application, issue a test report in form 2.

(2) A copy of the test report shall be supplied by the approved testing institution to the applicant for the test and also to the Secretary.

(3) Every approved testing institution shall keep a register of test reports in a manner approved by the Secretary.

(4) Where the approved testing institution is satisfied from an examination of the information, certificates, and other evidence supplied by the applicant that the safety frame would comply with the requirements of regulation 10 or regulation 11 of these regulations and also of regulation 12 of these regulations, it may, with the approval of the Secretary, issue a test report in form 3. If he is requested to do so by the approved testing institution, the applicant shall make available for inspection at a time and place nominated by the approved testing institution the safety frame and tractor to which the application relates. The applicant shall pay such actual and reasonable expenses as may be incurred by a representative of the approved testing institution in inspecting the safety frame.

6. Certificate of approval—(1) Every person who intends to manufacture and sell, or to sell, or to fit a safety frame to a tractor engaged or intended to engage in agricultural operations and who is in possession of a test report in form 2 or form 3 with respect to the safety frame shall make application in form 5 to the Secretary for a certificate of approval.

(2) The application shall be accompanied by—

(a) One photograph from the side and one photograph from the rear, each not less in picture size than 4 in. square, showing as clearly as possible the general construction of the safety frame; and

(b) A fee of £2.

(3) If the Secretary is of the opinion that the test report in form 2 or form 3 indicates that the safety frame complies with the requirements of regulation 10 or regulation 11 of these regulations and also of regulation 12 of these regulations, he shall, on receipt of an application under subclause (1) of this regulation, issue a certificate of approval in form 6.

(4) The certificate of approval may contain such special conditions as may be recommended by the approved testing institution.

(5) Any person who sells a safety frame, whether mounted on a tractor or otherwise, shall provide a true copy of the certificate of approval relating to the safety frame to the purchaser of the safety frame.

(6) The Secretary shall keep a register of certificates of approval.

(7) Where a certificate of approval has been issued in respect of a safety frame and the frame subsequently becomes damaged to such an extent as to impair substantially the efficiency of the frame, the certificate of approval shall be deemed to be revoked so far as it applies to the safety frame.

7. Extension of certificate of approval—(1) Any person having a certificate of approval for a safety frame for a make and model of a tractor and desiring to have the certificate extended to cover other makes or models of tractors, shall make application in form 1 to the approved testing institution which undertook the original test for the issue of a report in form 4 in respect of the proposed extension.

(2) The application shall be accompanied by—

(a) Clear working drawings of any modification proposed in respect of the safety frame; and

(b) A schedule giving details of all materials used in any proposed modification to the safety frame; and

(c) A schedule of the makes and models of tractors in respect of which it is desired that the certificate of approval be extended; and

(d) A copy of the certificate of approval.

(3) The applicant shall also pay such fees as may be agreed upon between the Secretary and the approved testing institution.

(4) The applicant shall also supply on request such safety frames and such of the makes and models of tractors to which it is desired that the extension apply as the approved testing institution may require.

(5) The applicant shall also pay any actual and reasonable expenses incurred by a representative of the approved testing institution in inspecting the frame.

(6) If the approved testing institution is of the opinion that the provisions of regulation 10 or regulation 11 and also regulation 12 of these regulations are complied with in respect of any of the makes and models of tractors for which extension of the certificate of approval has been applied for, it shall issue a report in form 4.

(7) A copy of the report shall be supplied to the applicant and also to the Secretary.

(8) Any person who desires to have a certificate of approval extended to cover makes and models of tractors other than those named in the certificate and who has obtained a report on the proposed extension from the approved testing institution shall make application to the Secretary on form 5.

(9) The application shall be accompanied by the original certificate of approval.

(10) If the Secretary is of the opinion that the report of the approved testing institution indicates that the requirements of regulation 10 or regulation 11 of these regulations and also of regulation 12 of these regulations are complied with in respect of the makes and models of tractors stated in the application, he shall issue a certificate of approval in form 6.

8. Identification of safety frames—(1) Every safety frame shall be allotted a registration number which shall be recorded on the certificate of approval relating to the safety frame.

(2) The manufacturer or seller of every safety frame for which a certificate of approval has been issued shall cause to be clearly stamped on each safety frame manufactured or sold by him the registration number allotted to the safety frame under this regulation.

(3) The registration number shall be stamped in figures not less than $\frac{1}{4}$ in. high on the outer edge of the front left-hand frame support pad and on all separate mounting brackets in such a position as to make the number readily visible when the frame is mounted on the tractor.

9. Periodical tests—The Secretary may require at any time any person who manufactures and sells or sells or fits safety frames to tractors engaged or intended to engage in agricultural operations to submit for testing to an approved testing institution any safety frame for which a certificate of approval has been issued and, unless the test results comply reasonably closely with the results of the original test, the Secretary may revoke the certificate of approval.

10. Tests required—Every safety frame intended to be attached to or form part of a wheeled tractor weighing more than 15 cwt and less than 4 tons when fitted with a safety frame shall, for the purpose of a report under regulation 5 of these regulations, be subject to the tests prescribed in Appendix A of N.Z.S.S. 2146:1967 and the allowable deformation shall not exceed that stated in clause 3.1 (b) (1) of N.Z.S.S. 2146:1967.

11. Tests in special cases—If an applicant for a test report requires the testing of a safety frame outside the limits specified in regulation 10 of these regulations, or where, in the opinion of the approved testing

institution, the safety frame submitted for testing exhibits one or more unusual characteristics, the test procedure evaluation and limits will be decided by the Secretary in consultation with an approved testing institution.

12. Examination of safety frame and tractor—(1) The safety frame shall be so designed and constructed that, in the opinion of the approved testing institution, egress from an overbalanced tractor fitted with a safety frame will not be unduly restricted.

(2) The safety frame shall be constructed in such a way and of such materials as to ensure no projecting points or sharp edges are included which could, in the opinion of the approved testing institution, cause serious injury to the driver.

(3) No safety frame shall be considered satisfactory which, in the opinion of the approved testing institution, does not include adequately locked fastenings for main members.

(4) No safety frame shall be considered satisfactory if, in the opinion of the approved testing institution, the design incorporates pockets in which water or rubbish can accumulate and cause accelerated corrosion.

(5) The maximum instantaneous deflection of any part of the safety frame during impact tests required by regulation 10 or regulation 11 of these regulations shall not be such that, in the opinion of the approved testing institution, the driver is likely to be crushed or trapped in the event of the tractor overbalancing.

(6) The maximum deflection of any part of the safety frame during the compression tests required by regulation 10 or regulation 11 of these regulations shall not be such that, in the opinion of the approved testing institution, the driver is likely to be crushed or trapped in the event of the tractor overbalancing.

(7) After the application of all tests required by regulation 10 or regulation 11 of these regulations, the safety frame shall be thoroughly examined and if any crack, flaw, or other defect is visible in any major member or in any major weld of any member of the safety frame, or tractor, this fact shall be noted on the test report by the approved testing institution and a certificate of approval shall not be issued.

13. Notification and investigation of accidents—(1) Where any person is killed or suffers serious bodily injury as a result of an accident caused by the overbalancing of a tractor engaged in agricultural operations the owner of the tractor shall within 48 hours after the accident send notice thereof to an Inspector at his office or usual place of residence.

(2) As soon as practicable after receiving any such notice or otherwise becoming aware of any such accident the Inspector or some other Inspector may go to the place where the accident occurred or make such inquiries as he thinks fit as to the cause of the accident and for that purpose may examine the owner of the tractor and all persons employed about the tractor and shall report to the Secretary the result of the inquiry.

14. Offences—(1) Every person commits an offence against these regulations who:

- (a) Knowingly makes a false statement in an application for a test report or application for a certificate of approval; or
- (b) Issues a copy of a test report or certificate of approval that is not a true copy of the document of which it purports to be a copy.

(2) Every person commits an offence against these regulations who fails, refuses, or neglects to do anything required by these regulations or in any manner obstructs, impedes, or interferes with the doing of anything enjoined or authorised to be done by or under these regulations, or does or causes or permits to be done anything prohibited by or contrary to these regulations.

15. Penalty—Every person who commits an offence against these regulations shall be liable on summary conviction to a fine not exceeding £100.

SCHEDULE

Reg. 4

Form 1

APPLICATION FOR REPORT ON A TRACTOR SAFETY FRAME

To:

Approved Testing Institution.

I, being the manufacturer (agent for the manufacturer) of a tractor safety frame, hereby make application for the testing and examination and the issue of a report in form 2, 3, or 4 as prescribed in the Tractor Safety Frame Regulations 1967 with respect to the safety frame.

In support of this application I attach—

- (a) Clear working drawings of the safety frame and mountings for each make and model of tractor to which it may be fitted:
- (b) A schedule giving details of all materials used or intended to be used in the construction of the safety frame:
- (c) A schedule of the make or makes and model or models of tractors to which it is intended that the safety frame is to be fitted:
- * (d) A copy of the certificate of approval.

A generally similar safety frame has/has not been tested previously and particulars of the test are attached.

On receipt from you of advice as to the makes and models of tractors and the number of safety frames required I will arrange for these to be supplied to your institution.

I agree to be bound by all regulations of your institution with respect to testing and will pay such fees as are agreed upon between the Secretary and your institution and such costs as are required by you to cover the necessary tests.

Signature:

Date:

*Delete if not appropriate.

FIRST SCHEDULE—continued

Reg. 5 (1)

Form 2

TRACTOR SAFETY FRAME REPORT

Report No.

THIS is to certify that I have examined and tested as required by the Tractor Safety Frame Regulations 1967 a tractor safety frame manufactured by and submitted for testing by The tests were performed with a safety frame mounted on a tractor model. The impact tests were performed in the following order:

First impact

Second impact

Third impact

The crushing test was performed after the impact test. The permanent deflection after each test measured as required by the regulations was:

Impact from rear

Impact from front

Impact from side

The frame and tractor were examined by me, during and after testing, and I am of the opinion that the standard of construction as required by regulation 12 of the Tractor Safety Frame Regulations 1967 is/is not complied with. I am of the opinion that this safety frame could have been fitted to the following makes and models of tractors and that the test results would not have been less favourable.

In terms of the authority contained in regulation 11 of the Tractor Safety Frame Regulations 1967, the Secretary has approved modified testing as reported on in the attached report.

Signature:.....

Approved testing institution.

Date:.....



Reg. 5 (4)

Form 3

TRACTOR SAFETY FRAME REPORT

Report No.

THIS is to certify that I have examined as required by the Tractor Safety Frame Regulations 1967 details of a tractor safety frame manufactured by for fitting to a tractor.

I am of the opinion that the safety frame would, if subjected to the tests required by regulation 10 or regulation 11 and the examination required by regulation 12 of the Tractor Safety Frame Regulations 1967, comply in all respects with these regulations.

Signature:.....

Approved testing institution.

Date:.....

FIRST SCHEDULE—*continued*

Reg. 7 (6)

Form 4

REPORT FOR EXTENSION OF A CERTIFICATE OF APPROVAL

Report No.:

THIS is to certify that I have examined as required by the Tractor Safety Frame Regulations 1967 the design of a tractor safety frame manufactured by and submitted for testing by and for which certificate of approval No. has been issued.

I am of the opinion that the safety frame could be fitted to the following makes and models of tractors and that examination and test results would comply with regulation 10 or regulation 11 and regulation 12 of the Tractor Safety Frame Regulations 1967.

I have subjected the safety frame to further testing and the results of the tests are contained in the attached report in form 2.

Signature:.....

Approved testing institution.

Date:.....

Reg. 6 (1)

Form 5

APPLICATION FOR CERTIFICATE OF APPROVAL

To the Secretary of Labour.

I, being the manufacturer/agent for the manufacturer of a tractor safety frame known by the trade name of, hereby make application for a certificate of approval to be issued in respect of the said safety frame.

I declare that if a certificate of approval is granted to me I will not alter in any way the design or the materials used in the safety frame without submitting another frame for testing.

This frame was tested at and test report No. has been issued to me covering the tests performed. In support of this application I attach:

- (a) Two photographs not less in picture size than 4 in. square, one taken from the rear and one taken from the side showing the general construction of the safety frame:
- (b) A fee of £2.

Signature:.....

Date:.....

Reg. 6 (3)

Form 6

CERTIFICATE OF APPROVAL

No.

THIS is to certify that a tractor safety frame manufactured by and known by the trade name of complies with the requirements of the Tractor Safety Frame Regulations 1967 when fitted in accordance with the manufacturers requirements to the following makes and models of tractors

FIRST SCHEDULE—*continued*

All safety frames and mountings made of identical design, material, and construction are required to be stamped with the number of this certificate in figures not less than $\frac{1}{4}$ in. high on the outer edge of the front left-hand frame support pad and on all the mountings in such a position that the number is readily visible when the frame is mounted on a tractor.

Special conditions:

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Signature:.....

Secretary of Labour.

Date:.....

T. J. SHERRARD,
Clerk of the Executive Council.

 EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations give effect to section 21B of the Machinery Act, as inserted by the Machinery Amendment Act 1965.

The regulations provide for the approval of testing institutions authorised to test safety frames fitted to tractors engaged in agricultural operations.

The regulations also provide for the testing of safety frames and the issue of certificates in respect of frames which have been tested and approved.

Regulation 13 requires accidents involving tractors involved in agricultural operations resulting in death or serious injury to be notified and provides for the investigation of any such accidents.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 1 June 1967.

These regulations are administered in the Department of Labour.