STATUTORY RULES OF NORTHERN IRELAND

2006 No. 205

HEALTH AND SAFETY

Quarries Regulations (Northern Ireland) 2006

Made - - - - 2nd May 2006

Coming into operation in accordance with regulation 1

The Department of Enterprise, Trade and Investment(**1**), being the Department concerned(**2**), makes the following Regulations in exercise of the powers conferred by Articles 17(1), (2), (3), (5) and 55(2) of, and paragraphs 1(1) and (2), 2(1) and (2), 5, 7, 8, 11, 13, 14(1), 15, 17, 19 and 20(b) of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**3**).

In accordance with Article 46(1)(**4**) of that Order, it is giving effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland(**5**) under Article 13(1A)(**6**) of that Order.

In accordance with Article 46(3) of that Order, the Executive has consulted any bodies which appeared to it to be appropriate.

PART I

INTERPRETATION AND GENERAL

Citation and commencement

1.—(1) These Regulations may be cited as the Quarries Regulations (Northern Ireland) 2006 and, subject to paragraphs (2) and (3), shall come into operation on 1st August 2006.

(2) Regulation 26, with the exception of paragraph (4), shall come into operation on 1st August 2007 with respect to any tip which was not a classified tip for the purposes of regulation 2(1) of the 1995 Regulations.

(3) Regulation 26(4) shall come into operation on 1st August 2008 with respect to any notifiable tip which was not a classified tip for the purposes of regulation 2(1) of the 1995 Regulations.

(**1**) Formerly the Department of Economic Development; *see*S.I. 1999/283 (N.I. 1), Article 3(5); that Department was formerly the Department of Manpower Services; *see*S.I. 1982/846 (N.I. 11), Article 3
(**2**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**3**) S.I. 1978/1039 (N.I. 9); Article 47A was inserted by Article 3, and Article 2 was amended by Articles 4 and 8, of S.I. 1997/1774 (N.I. 16)
(**4**) Article 46 was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18
(**5**) Formerly the Health and Safety Agency for Northern Ireland; *see*S.I. 1998/2795 (N.I. 18), Article 3(1)
(**6**) Article 13(1A) was substituted by S.I. 1998/2795 (N.I. 18), Article 4

Interpretation

2.—(1) In these Regulations—

"the 1969 Act" means the Mines Act (Northern Ireland) 1969(**7**);

"the 1983 Order" means the Quarries (Northern Ireland) Order 1983(**8**);

"the 1995 Regulations" means the Mines and Quarries (Tips and Tipping Plans) Regulations (Northern Ireland) 1995(**9**);

"the 2000 Regulations" means the Management of Health and Safety at Work Regulations (Northern Ireland) 2000(**10**);

"appoint" in relation to a person means appoint in writing with a written statement summarising his duties and authority;

"competent" in relation to a person means a person with sufficient training, experience, knowledge and other qualities to enable him to undertake properly the duties assigned to him;

"excavation" means any place at the quarry where minerals are or have been extracted and includes the ground, faces or sides of the quarry and any other incline;

"excavations and tips rules" means the rules referred to in regulation 25;

"geotechnical assessment" has the meaning given to it in regulation 27(1);

"geotechnical specialist" means a chartered engineer or chartered geologist who has—

(a) three or more years relevant experience in soil mechanics, rock mechanics or excavation engineering; and

(b) is competent to perform a geotechnical analysis to determine the hazard and risk arising from the excavation or tip being assessed;

"hazard" in relation to an excavation or tip means having the potential to cause harm to the health and safety of any person;

"health and safety document" shall be construed in accordance with regulation 7;

"maintained" with respect to the quarry and its plant means maintained, where necessary to secure the health and safety of any person, in an efficient state, in efficient working order and in good repair;

"management structure" shall be construed in accordance with regulation 8;

"mine" means any mine within the meaning of the 1969 Act;

"minerals" includes stone, slate, clay, gravel, sand and other natural deposits except peat;

"notifiable excavation" and "notifiable tip" shall be construed in accordance with regulation 28(3);

"operator" in relation to a quarry means the person in overall control of the working of the quarry;

"preparation for sale" includes the crushing, screening, washing, drying and bagging of minerals;

"public road" means a road as defined in Article 2(2) the Road Traffic (Northern Ireland) Order 1981(**11**);

"quarry" has the meaning given to it by regulation 3;

(**7**) 1969 c. 6 (N.I.)
(**8**) S.I. 1983/150 (N.I. 4)
(**9**) S.R. 1995 No. 296
(**10**) S.R. 2000 No. 388 as amended by S.R. 2001 No. 348 and S.R. 2003 No. 454
(**11**) 1981/154 (N.I. 1), to which there are amendments not relevant to these Regulations

"railway company" means any person authorised by a statutory provision to construct, work or carry on a railway;

"tip" means an accumulation or deposit of any substance at a quarry (whether in a solid or liquid state or in solution or suspension) and includes, but is not limited to, overburden dumps, backfill, spoil heaps, stock piles and lagoons, and where any wall or other structure retains or confines a tip then it shall be deemed to form part of the tip;

"vehicle" means any mechanically propelled vehicle (including mechanically propelled plant);

"vehicle rules" means the rules referred to in regulation 14.

(2) Any reference in these Regulations to any specified document shall operate as a reference to that document as revised or reissued from time to time.

Meaning of quarry

3.—(1) In these Regulations "quarry" means—

(a) subject to paragraph (2), an excavation or system of excavations made for the purpose of, or in connection with, the extraction of minerals (whether in their natural state or in solution or suspension) or products of minerals, being neither a mine nor merely a well or borehole or a well and borehole combined;

(b) any reclamation site (and for this purpose "reclamation site" means a site where the extraction of minerals forms part of the process whereby that site is restored for agricultural, industrial or domestic use) from which minerals are being extracted for sale or further use; or

(c) any disused tip from which minerals are being extracted for sale or further use and which is not at a mine within the meaning of section 156 of the 1969 Act.

(2) Notwithstanding paragraph (1)(a), in these Regulations "quarry" does not include—

(a) an excavation or system of excavations made for the purpose of or in connection with the extraction of such minerals or products of minerals where the exclusive purpose of that extraction is to enable the minerals or products of minerals so extracted to be used for the purpose of carrying out any building, civil engineering or engineering construction work on the site at which the extraction has taken place;

(b) a public road; or

(c) a railway line which is exclusively under the control of a railway company.

(3) For the purposes of these Regulations, the following shall be deemed to form part of a quarry —

(a) so much of the surface (including buildings, structures and works thereon) surrounding or adjacent to the quarry as is occupied for the purpose of, or in connection with—

(i) the working of the quarry;

(ii) the consumption, use, storage or preparation for sale of the minerals or products thereof extracted from the quarry; or

(iii) the removal from the quarry of any substance extracted from the quarry; and

(b) any tip—

(i) for the time being used in conjunction or connection with the operation of the quarry; or

(ii) subject to paragraph (4)(a), (whether or not it is for the time being in use) situated on premises occupied by the operator of the quarry;

(4) For the purposes of these Regulations, where—

(a) a tip is for the time being used in conjunction or connection with the operation of two or more quarries and is situated on premises occupied exclusively by the operator of one of those quarries, it shall be treated as forming part of that quarry unless—

(i) the operator of one of the other quarries in conjunction or connection with which the tip is for the time being used has agreed that the tip should be treated as forming part of the quarry of which he is the operator; and

(ii) notice to that effect has been given to the Executive by that operator;

(b) a tip is for the time being used in conjunction or connection with the operation of two or more quarries and is situated on premises occupied jointly by the operators of two or more of those quarries, the last-named operators shall, for the purposes of these Regulations, be treated as being in joint and several control of that tip and as being jointly and severally responsible therefor unless—

(i) the said operators have agreed that one of their number should be treated as being in control of that tip and responsible therefor; and

(ii) notice to that effect has been given to the Executive by the operator who is to be so treated;

(5) Upon receipt of a notice given in accordance with paragraphs (4)(a)(ii) or (4)(b)(ii), the tip named in that notice shall be treated as forming part of the quarry specified in the said notice.

Application

4.—(1) Subject to paragraph (2), these Regulations shall apply to all quarries where persons work.

(2) These Regulations shall not apply to any—

(a) quarry at which there has been no extraction or preparation for sale of minerals within the previous twelve months;

(b) quarry in relation to which notice of abandonment or ceasing of operations has been given to the Executive in accordance with regulation 39(1), provided that the quarry is no longer being used for the extraction or preparation for sale of minerals; or

(c) part of a quarry which is being used exclusively by a person for a work activity unconnected with—

(i) the extraction of minerals; or

(ii) the preparation for sale of minerals,

provided that no work activity set out in paragraph (3) is being carried on at that quarry.

(3) The work activities mentioned in paragraph (2) are any work carried on—

(a) with a view to abandoning that quarry; or

(b) for the purpose of preventing the flow from that quarry into an adjacent quarry of water or material that flows when wet.

(4) These Regulations shall apply to a self-employed person as they apply to an employer and as if that self-employed person were both an employer and a person at work.

PART II

HEALTH AND SAFETY MANAGEMENT

Duties of the person entitled to work the quarry

5.—(1) The person entitled to work a quarry shall not permit another person to be the operator of that quarry unless that person is suitable and has sufficient resources to be able to operate the quarry safely.

(2) Where the person entitled to work a quarry permits another person to be the operator of that quarry, he shall make a written record of that permission which record shall be signed by the person so entitled and the operator and a copy of which shall be provided to the operator.

(3) The said record and copy shall be kept by the person so entitled and the operator respectively for the duration of the said permission.

(4) The person so entitled shall provide the operator with any relevant information available to him which might affect the health and safety of persons at work at the quarry.

General duties of the operator

6.—(1) It shall be the duty of the operator of every quarry to take the necessary measures to ensure, so far as is reasonably practicable, that the quarry and its plant are designed, constructed, equipped, commissioned, operated and maintained in such a way that persons at work can perform the work assigned to them without endangering their own health and safety or the health and safety of others.

(2) The operator shall co-ordinate the implementation of all measures relating to the health and safety of persons at work at the quarry.

(3) Without prejudice to the generality of paragraph (1), where necessary to ensure the health and safety of any person the operator shall ensure that any building (whether temporary or permanent) or structure—

(a) is designed, constructed, erected, operated, supervised and maintained so as to withstand any reasonably foreseeable environmental forces; and

(b) has a construction and solidity which is appropriate to the nature of its use.

(4) The operator shall ensure that in the event of the abandonment of or ceasing of operations at a quarry, the quarry is left, so far as is reasonably practicable, in a safe condition.

The health and safety document

7.—(1) The operator shall ensure that no work is carried out at the quarry unless a document (in these Regulations referred to as the "health and safety document") has been prepared which—

(a) demonstrates that the risks to which persons at work at the quarry are exposed have been assessed in accordance with regulation 3(1) to (5) of the 2000 Regulations;

(b) demonstrates that adequate measures, including measures concerning the design, use and maintenance of the quarry and of its plant, will be taken to safeguard the health and safety of persons—

(i) at the quarry; and

(ii) in the area immediately surrounding the quarry who are directly affected by the activities of the quarry;

(c) includes a statement of how the measures referred to in sub-paragraph (b) will be co-ordinated;