STATUTORY RULES OF NORTHERN IRELAND

2006 No. 204

HEALTH AND SAFETY

Quarries (Explosives) Regulations (Northern Ireland) 2006

Made - - - -	*2nd May 2006*
To be laid before Parliament	
Coming into operation	*1st August 2006*

The Secretary of State makes the following Regulations in exercise of the powers conferred by Articles 17(1), (2), (3)(a), (5)(b) and 55(2) of, and paragraphs 1(1), 2, 5, 13, 15, 19 and 20(b) of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**1**) as applied and modified by Article 53 of that Order.

In accordance with Article 46(1)(**2**) of that Order, he is giving effect without modifications to proposals submitted to him by the Health and Safety Executive for Northern Ireland(**3**) under Article 13(1A)(**4**) 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.

Citation and commencement

1. These Regulations may be cited as the Quarries (Explosives) Regulations (Northern Ireland) 2006 and shall come into operation on 1st August 2006.

Interpretation

2. In these Regulations—

"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 properly to undertake the duties assigned to him;

"detonator" means an initiator for explosives that contains a charge of high explosive fired by means of a flame, spark, electric current or shock tube;

(**1**) 1978/1039 (N.I.9)
(**2**) Article 46 was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18
(**3**) Formerly the Health and Safety Agency for Northern Ireland; *see*S.I. 1998/2795 (N.I. 18), Article 3(1)
(**4**) Article 13(1A) was substituted by S.I. 1998/2795 (N.I. 18), Article 4

"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;

"exploder" means a device designed for firing detonators;

"explosive" means an explosive article or explosive substance;

"explosive article" means an article containing one or more explosive substances;

"explosive substance" means—

(a) a solid or liquid substance, or

(b) a mixture of solid or liquid substances or both,

which is capable by chemical reaction in itself of producing gas at such a temperature and pressure and at such a speed as could cause damage to surroundings or which is designed to produce an effect by heat, light, sound, gas or smoke or a combination of these as a result of non-detonative self-sustaining exothermic chemical reactions;

"explosives" means explosive articles or explosive substances;

"explosives store" means—

(a) premises registered in accordance with section 21 of the Explosives Act 1875(**5**) ("the 1875 Act");

(b) a store licensed in accordance with section 15 of the 1875 Act; or

(c) a magazine licensed in accordance with sections 6 to 8 of the 1875 Act;

"misfire" means an occurrence in relation to the firing of shots where—

(a) testing before firing reveals broken continuity which cannot be rectified; or

(b) a shot or any part of a shot fails to explode when an attempt is made to fire it;

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

"quarry" has the meaning assigned to it by the Quarries Regulations (Northern Ireland) 2006(**6**);

"safety fuse" means a flexible cord that contains an internal burning medium by which fire is conveyed at a continuous and uniform rate for the purpose of firing plain detonators or black powder, without initiating burning in a similar fuse that may be in lateral contact;

"shot" means a single shot or a series of shots fired as part of one blast;

"shotfirer" means a person appointed pursuant to regulation 4(2)(a)(ii) to be responsible for shotfiring operations;

"shotfiring operations" include—

(a) checking to ensure that the blasting specification is still appropriate for the site conditions at the time the blasting is to take place;

(b) mixing explosives;

(c) priming a cartridge;

(d) charging and stemming a shothole;

(e) linking or connecting a round of shots;

(f) withdrawal and sheltering of persons;

(g) inspecting and testing a shotfiring circuit;

(**5**) 1875 c. 17
(**6**) S.R. 2006 No. 205

(h) firing a shot; and

(i) checking for misfires;

"trainee shotfirer" means a person appointed pursuant to regulation 4(2)(a)(ii) to undergo training in shotfiring operations under the close personal supervision of a shotfirer; and

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

Application

3. These Regulations shall apply to the storage, transport and use of explosives at a quarry to which the Quarries Regulations (Northern Ireland) 2006 apply.

Operator's duties

4.—(1) The operator shall—

(a) ensure, so far as is reasonably practicable, that all explosives are stored, transported and used safely and securely;

(b) appoint one or more competent individuals to organise and supervise all work at the quarry involving the use of explosives ("the Explosives Supervisor");

(c) ensure that at no time is there more than one person acting as the Explosives Supervisor at the quarry; and

(d) keep a copy of the written statement of duties of the person or persons appointed under paragraph (1)(b) for at least twelve months after the date on which the appointment ceased to have effect.

(2) It shall be the duty of the operator to ensure that—

(a) there are suitable and sufficient written rules and procedures for—

(i) shotfiring operations at the quarry;

(ii) appointing shotfirers, trainee shotfirers and storekeepers;

(iii) authorising other persons who will be involved with the storage, transport or use of explosives;

(iv) dealing with misfires; and

(v) ensuring, so far as is reasonably practicable, that such rules and procedures are complied with;

(b) an adequate written specification (whether produced by him or not) is prepared for each shotfiring operation at the quarry to ensure, so far as is reasonably practicable, that when such firing occurs it will not give rise to danger; and

(c) a copy of the specification referred to in sub-paragraph (b) is given to any person upon whom it imposes duties.

(3) The operator shall ensure that operations involving the storage, transport or use of explosives are carried out by—

(a) a duly authorised and competent person; or

(b) a trainee under the close supervision of a duly authorised and competent person.

(4) The operator shall ensure that—

(a) such facilities and equipment as are necessary to enable shotfiring operations to be carried out safely are provided;