1995 No. 378

HEALTH AND SAFETY

Quarries Miscellaneous Health and Safety Provisions Regulations (Northern Ireland) 1995

Made . . . . . *5th October 1995*

Coming into operation—

The whole Regulations except regulation 11 . . . *31st December 1995*

regulation 11 . . . *5th October 1998*

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The Department of Economic Development, being the Department concerned(**a**), in exercise of the powers conferred on it by Articles 17(1), (2) and (3) and 55(2) of, and paragraphs 1(1) and (2), 7, 8, 10, 11, 13, 14(1), 15, 17 and 20(*b*) of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**b**) and of every other power enabling it in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to the Department to be appropriate, hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Quarries Miscellaneous Health and Safety Provisions Regulations (Northern Ireland) 1995 and, subject to paragraph (2), shall come into operation on 31st December 1995.

(2) Regulation 11 shall come into operation on 5th October 1998 with respect to any workplace or part of a workplace, located either at a quarry or above ground at a mine, which is not—

(*a*) a workplace used for the first time after 31st December 1995; or

(*b*) a modification, an extension or a conversion of a workplace carried out after 31st December 1995.

Interpretation

2. In these Regulations—

"approved" means approved for the time being in writing by the Department;

"the Department" means the Department of Economic Development;

"employer" includes the owner if he employs persons at work at the quarry;

"health and safety document" shall be construed in accordance with regulation 4;

"mine" means a mine within the meaning of the Mines Act (Northern Ireland) 1969(**c**);

"owner" in relation to a quarry means the person who for the time being is entitled to work the quarry or any part of it and where the business of such a person is carried on by a liquidator, receiver or manager, or by some other person authorised to carry it on by an order of a court of competent jurisdiction, the liquidator, receiver or other person shall be taken for the purposes of these Regulations to be an additional owner of the quarry;

"quarry" means a quarry within the meaning of the Quarries (Northern Ireland) Order 1983(**d**); and

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(**a**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**b**) S.I. 1978/1039 (N.I. 9)
(**c**) 1969 c. 6 (N.I.)
(**d**) S.I. 1983/150 (N.I. 4)

"workplace" shall have the same meaning as in regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993(**a**) but with the omission of the words "subject to paragraph (2)".

Application

3.—(1) Save where expressly provided, these Regulations shall apply to all quarries.

(2) 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.

Health and safety document

4.—(1) The owner of every quarry shall ensure that no work shall be 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 of the Management of Health and Safety at Work Regulations (Northern Ireland) 1992(**b**);

(*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 the persons at work at the quarry; and

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

(2) In addition to the matters referred to in paragraph (1), the health and safety document shall where appropriate also include—

(*a*) a plan detailing the equipment and measures required to protect persons at work at the quarry from the risk of explosion;

(*b*) a fire protection plan detailing the likely sources of fire, and the precautions to be taken to protect against, to detect and combat the outbreak and spread of fire; and

(*c*) where toxic gases are or may be present in the atmosphere at the quarry, in such concentration that the atmosphere may be harmful to the health of persons at work, a plan detailing the protective equipment and measures required to protect persons at work at the quarry from the harmful atmosphere.

(3) The owner shall ensure that the health and safety document is—

(*a*) kept up to date and revised where necessary including, without limitation, if the quarry undergoes major changes (including natural changes), extensions or conversions; and

(*b*) made available to each employer of persons at work at the quarry.

(**a**) S.R. 1993 No. 37
(**b**) S.R. 1992 No. 459 as amended by S.R. 1994 No. 478

(4) The owner shall ensure that the measures identified in the health and safety document are taken and that any plans included in that document are followed.

Co-ordination

5. The owner shall co-ordinate the implementation of all measures relating to the health and safety of persons at work at the quarry.

Employers to co-operate with the owner

6. Every employer of persons at work at a quarry (other than the owner) shall co-operate with the owner to the extent requisite to enable the owner to comply with the relevant statutory provisions.

Notification of cessation at a quarry of coal

7.—(1) Without prejudice to the duty to give notice contained in Article 16 of the 1983 Order, the owner of every quarry of coal shall, within three months of the date on which the quarry of coal was last worked for the purpose of getting minerals or products of minerals, notify the Department in writing of that fact and of the particulars set out in Schedule 1.

(2) Where, in pursuance of paragraph (1), plans and other documents have been sent to the Department they shall be retained by it or in accordance with arrangements approved by it.

Escape and rescue facilities at a quarry

8. The owner of every quarry shall ensure—

(*a*) that adequate means of escape and rescue are provided and maintained so as to permit persons at work to leave their place of work at the quarry promptly and safely in the event of danger; and

(*b*) that adequate means of communication and warning are provided to enable assistance, escape and rescue operations to be launched at once when required.

Additional health and safety requirements

9.—(1) Subject to paragraph (2)—

(*a*) every employer of persons at work at a quarry shall ensure that the additional health and safety requirements set out in Part I of Schedule 2; and

(*b*) every owner of a quarry shall ensure that the additional health and safety requirements set out in Part II of Schedule 2,

are in each case complied with as appropriate having regard to the features of the quarry, to the nature and circumstances of the work carried on there and to the provisions of the health and safety document.

(2) The additional health and safety requirements referred to in paragraph (1) shall apply without prejudice to the requirements of the relevant statutory provisions relating to the quarry.

Health surveillance

10.—(1) An employer of a person at work at a quarry shall ensure that he is provided with such health surveillance as is appropriate; and where that person is assigned to the work after 31st December 1995, the health surveillance shall be commenced before he is so assigned.

(2) In this regulation, "appropriate" means appropriate having regard to the nature and magnitude of the risks to the safety and health of the persons created by the relevant work.

Amendments to the Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993

11.—(1) The Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993 shall be amended as provided by paragraphs (2) to (4).

(2) In regulation 2(1)—

(*a*) before the definition of "new workplace" there shall be inserted the following definition—

' "mine" means a mine within the meaning of the Mines Act (Northern Ireland) 1969'; and

after the definition of "public road" there shall be inserted the following definition—

' "quarry" means a quarry within the meaning of the Quarries (Northern Ireland) Order 1983;'.

(3) For regulation 3(1) there shall be substituted—

"**3.**—(1) These Regulations apply to every workplace but shall not apply to—

(*a*) a workplace which is or is in or on a ship within the meaning assigned to that word by regulation 2(1) of the Docks Regulations (Northern Ireland) 1989(**a**);

(*b*) a workplace where the only activities being undertaken are building operations or works of engineering construction within, in either case, the meaning of section 176 of the Factories Act (Northern Ireland) 1965(**b**) and activities for the purpose of or in connection with the first-mentioned activities; or

(*c*) a workplace located below ground at a mine.".

(4) After regulation 3(4) there shall be added—

"(5) As respects any workplace which is located at a quarry or above ground at a mine, regulation 12 shall only apply to a floor or traffic route which is located inside a building.".

(**a**) S.R. 1989 No. 320 to which there are amendments not relevant to these Regulations

(**b**) 1965 c. 20 (N.I.); the definition of "works of engineering construction" in section 176 has been extended by S.R. & O. (N.I.) 1960 No. 65 and S.R. & O. (N.I.) 1968 No. 235