1991 No. 233

HEALTH AND SAFETY

The Quarries (Explosives) Regulations (Northern Ireland) 1991

Made . . . . . *30th May 1991*

Coming into operation . . *1st August 1991*

To be laid before Parliament

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The Secretary of State, in pursuance of Articles 17(1), (2), (3)(*a*), (4)(*a*), (5)(*b*), (6)(*a*) and (*b*) and 55(2) of, and paragraphs 1(1), 2, 5, 13, 14(1), 15, 19 and 20(*a*) and (*c*) of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(a) ("the 1978 Order") as applied and modified by Article 53 of that Order and after consulting, in accordance with Article 46 of that Order as so applied and modified, the Health and Safety Agency for Northern Ireland and such other bodies as appeared to him to be appropriate, hereby makes the following regulations:—

(a) S.I. 1978/1039 (N.I. 9)

Citation and commencement

1. These regulations may be cited as the Quarries (Explosives) Regulations (Northern Ireland) 1991 and shall come into operation on 1st August 1991.

Interpretation

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

"agent" means the agent of a quarry as defined in Article 2(2) of the 1983 Order;

"appoint" means appoint in writing with a written statement of duties and jurisdiction;

"explosives" means—

(*a*) any solid or liquid substance or any 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; or

(*b*) any article containing any substance or mixture such as is described in sub-paragraph (*a*) above;

"explosives store" means—

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

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

(*c*) a store licensed in accordance with section 15 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;

"occupier" means the occupier of a quarry as defined in Article 2(2) of the 1983 Order;

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

"owner" means the owner of a quarry as defined in Article 2(2) of the 1983 Order;

"quarry" means a quarry as defined in Article 2(2) of the 1983 Order;

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

"shotfirer" means a person appointed by the owner, occupier or agent pursuant to regulation 7(1) to carry out shotfiring operations;

"shotfiring operations" includes—

(**a**) 1875 c. 17
(**b**) S.I. 1983/150 (N.I. 4)

(*a*) mixing explosives;

(*b*) priming a cartridge;

(*c*) charging and stemming a shothole;

(*d*) linking or connecting a round of shots;

(*e*) coupling a shotfiring circuit to a detonator circuit, circuit tester or exploder;

(*f*) determining a danger zone;

(*g*) withdrawal and sheltering of persons;

(*h*) testing a shotfiring circuit; and

(*i*) firing a shot;

"trainee shotfirer" means a person appointed by the owner, occupier or agent pursuant to regulation 7(1) to undergo training in shotfiring operations under the close personal supervision of a shotfirer.

(2) Expressions to which meanings are assigned by the 1978 Order or these regulations shall, unless the context otherwise requires, have the same meanings in any document issued under these regulations.

Application

3. These regulations shall apply to the keeping, handling and use of explosives at a quarry, but they shall not apply to—

(*a*) explosives or detonators while they are in the course of being transported from outside a quarry directly to—

(i) an explosives store inside the quarry; or

(ii) a point inside the quarry from which they will be taken for use inside that quarry during the same day as they are delivered; or

(*b*) the vehicle being used so to transport them.

Owner or occupier's duties

4. The owner or occupier of every quarry at which explosives and detonators are used shall, so far as is practicable—

(*a*) satisfy himself that any person he appoints to be an agent has attained the age of 21 years and is competent to perform the duties imposed on him by these regulations; and

(*b*) provide such facilities and equipment as are necessary to enable shotfiring operations to be carried out safely.

Owner, occupier or agent's duties

5.—(1) The owner, occupier or agent of every quarry at which explosives and detonators are used shall ensure, so far as is reasonably practicable, that explosives and detonators at the quarry are kept, handled and used safely and securely.

(2) Without prejudice to the generality of paragraph (1), the owner, occupier or agent shall—

(*a*) ensure that any equipment, including any vehicle, which is provided for use in relation to shotfiring operations is—

(i) suitable for its intended use;

(ii) so kept, tested and maintained that it can be used safely; and

(iii) in the case of a vehicle, so marked as to be readily visible from a distance;

(*b*) make and keep up to date suitable rules (which must be amended or modified if so required by an inspector) which shall lay down in writing procedures for shotfiring operations at the quarry, procedures for dealing with misfires, and arrangements for ensuring, so far as is reasonably practicable, that they are complied with;

(*c*) approve adequate written specifications (whether prepared by him or not) for the firing of shots at the quarry to ensure, so far as is reasonably practicable, that when such firing occurs, it will not give rise to danger;

(*d*) appoint a suitable person to be in charge of the explosives store, if there is such a store; and

(*e*) ensure that at all times detonators and explosives are kept separately in suitable containers and are either in a locked explosives store or under the constant supervision of a suitable person.

(3) The owner, occupier or agent shall ensure that the rules referred to in paragraph (2)(*b*) and any amendments or modifications made to them are kept at the office of the quarry and copies of them are—

(*a*) posted in accordance with Article 14(1) of the 1983 Order; and

(*b*) given to any person at the quarry on whom they impose duties.

(4) The owner, occupier or agent shall ensure that the specification referred to in paragraph (2)(*c*) and any amendments made to it are kept at the office of the quarry for a period of one year from the date of being made; and he shall give a copy of the specification to any person at the quarry on whom it imposes duties.

(5) The owner, occupier or agent shall ensure that a legible and permanent record of the results of any examination of or test on any exploder or circuit tester is recorded and kept in a safe place at that quarry for a period of three years.

Security of explosives and detonators

6. No person (other than a member of the Royal Ulster Constabulary, a shotfirer, trainee shotfirer, a person authorised by the owner, occupier or agent to handle explosives or detonators at a quarry, or a person appointed to be in charge of an explosives store) shall handle explosives or detonators at a quarry.

Appointment of shotfirers and trainee shotfirers

7.—(1) For the purpose of enabling shotfiring operations to be carried out at a quarry, the owner, occupier or agent shall appoint shotfirers and may appoint trainee shotfirers.

(2) The owner, occupier or agent shall take all reasonable steps to—