STATUTORY INSTRUMENTS

# 1983 No. 150 (N.I. 4)

# The Quarries (Northern Ireland) Order 1983

- - - - - - *11th February 1983*

## INTRODUCTORY

### Title and commencement

**1.**—(1) This Order may be cited as the Quarries (Northern Ireland) Order 1983.

(2) This Order shall come into operation on the expiration of three months from the day on which it is made.

### Interpretation

**2.**—(1) The Interpretation Act (Northern Ireland) 1954[F1] shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"agent" means any person having, on behalf of the owner or occupier, care or direction of any quarry, or of any part of it;

"child" means a person under the age of 14;

"Department" means the Department of Economic Development;

**[**[F2]"the Executive" means the Health and Safety Executive for Northern Ireland;**]**

"inspector" means an inspector appointed by**[**[F2] the Executive**]** under Article 21 of the Health and Safety at Work (Northern Ireland) Order 1978[F3] for carrying into effect the provisions of this Order;

"machinery" includes any driving strap or band;

"occupier" means, in relation to any quarry, any person other than the owner who, for the time being, is in actual use and occupation of a quarry, or of any part of it, for the purpose of getting minerals from it;

[F4] . . . . . .

"owner" means, in relation to any quarry, any person who is the immediate proprietor or the lessee of the quarry or of any part of it, but does not include a person who merely receives a royalty, rent or fine from a quarry, or is merely the proprietor of a quarry subject to any lease, grant or licence for the working of it, or is merely the owner of the soil and not interested in the minerals of the quarry;

"prescribed" means prescribed for the time being by the Department;

[F4] . . . . . .

F4 . . . . . .

"quarry" means every place which is an excavation or system of excavations made for the purpose of, or in connection with, the getting of minerals (whether in their natural state or in solution or suspension) or products of minerals, not being by means wholly or substantially involving the employment of persons below ground and not being merely a well or borehole or a well and borehole combined;

F4 . . . . . .

F4 . . . . . .

"young person" means a person who has ceased to be child, and who is under the age of 18.

(3) For the purposes of this Order there shall, subject to paragraph (4), be deemed to form part of a quarry so much of the surface (including buildings, structures and works on the surface) surrounding or adjacent to the quarry as is occupied together with the quarry for the purpose of, or in connection with, the working of the quarry, the treatment, preparation for sale, consumption or use, storage or removal from the quarry of the minerals or products of the minerals gotten from the quarry or the removal from the quarry of the refuse of the quarry.

(4) For the purpose of this Order there shall not be deemed to form part of a quarry premises in which a manufacturing process is carried on otherwise than for the purpose of the working of the quarry or the preparation for sale of minerals gotten from the quarry.

(5) For the purposes of this Order premises for the time being used for depositing refuse from a single quarry, being premises exclusively occupied by the owner of that quarry shall be deemed to form part of that quarry, and premises for the time being used for depositing refuse from 2 or more quarries, being premises occupied by the owner of one of those quarries (either exclusively or jointly with the owner of the other or any of the others) shall be deemed to form part of such one of those quarries as**[**F2 the Executive**]** may direct.

(6) For the purposes of this Order a railway line or siding serving a single quarry (not being a railway line or siding falling within paragraph (3) or part of a railway within the meaning of the Railway Employment (Prevention of Accidents) Act, 1990F5) shall be deemed to form part of that quarry and a railway line or siding jointly serving 2 or more quarries (not being a railway line or siding falling within paragraph (3) or a railway within the meaning of that Act of 1900) shall be deemed to form part of such one of them as**[**F2 the Executive**]** may direct.

(7) For the purposes of this Order—

(a) any dock, wharf, quay or landing stage adjacent to and belonging to a quarry and used for the purposes of, or in connection with the quarry, and

(b) a conveyor or aerial ropeway provided for the removal from a quarry of minerals gotten from, or refuse from the quarry,

shall be deemed to form part of the quarry.

(8) For the purposes of this Order—

(a) the working of a quarry shall be deemed to include the operation of removing overburden at the quarry;

(b) a quarry shall be deemed to be worked notwithstanding that the only operations carried on at the quarry are operations carried on with a view to abandoning the quarry or for the purpose of removing, or of preventing the flow from the quarry of, water or material that flows when wet, but shall not be deemed to be worked by reason only that pumping operations are carried on at the quarry for the purpose of supplying water to any person.

(9) For the purposes of section 42 of the Northern Ireland Constitution Act 1973F6 (validity of Acts of the Parliament of Northern Ireland), provisions of this Order which re-enact provisions of an Act of the Parliament of Northern Ireland shall be deemed to be provisions of such an Act.

**F1** 1954 c. 33 (N.I.).
**F2** SR 1999/150
**F3** 1978 NI 9
**F4** In Art. 2(2) definition omitted (1.8.2006) by virtue of Quarries Regulations (Northern Ireland) 2006 (S.R. 2006/205), regs. 1(1), **41(2)**
**F5** 1900 c. 27.
**F6** 1973 c. 36.

## Provisions as to safety

### General provisions as to safety

**3.** F7 . . . . . .

**F7** Art. 3 repealed (1.8.2006) by Quarries Regulations (Northern Ireland) 2006 (S.R. 2006/205), regs 1(1), **41(3)**

*Art. 4 rep. by SR 1990/374*

### General provisions as to machinery

**5.** F8 . . . . . .

**F8** Art. 5 repealed (1.8.2006) by Quarries Regulations (Northern Ireland) 2006 (S.R. 2006/205), regs 1(1), **41(3)**

*Art. 6 rep. by SR 1991/471*

### Restrictions on dangerous operations in quarries

**7.** F9 . . . . . .

**F9** Art. 7 repealed (1.8.2006) by Quarries Regulations (Northern Ireland) 2006 (S.R. 2006/205), regs 1(1), **41(3)**

### Observance of directions

**8.** F10 . . . . . .

**F10** Art. 8 repealed (1.8.2006) by Quarries Regulations (Northern Ireland) 2006 (S.R. 2006/205), regs 1(1), **41(3)**

## Regulations of tips and fencing of quarries

### Regulation of tips

**9.** F11 . . . . . .

**F11** Art. 9 repealed (1.8.2006) by Quarries Regulations (Northern Ireland) 2006 (S.R. 2006/205), regs 1(1), **41(3)**

### Fencing of quarries

**10.**—(1) For the purposes of **[**F12Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011**]**, a quarry (whether in course of being worked or not) shall be deemed to be a **[**F13statutory nuisance**]** liable to be dealt with summarily in manner provided by **[**F14that Part**]** if—

(a) it is not provided with an efficient and properly maintained barrier so designed and constructed as to prevent any person from accidentally falling into the quarry, and

(b) by reason of its accessibility from a highway or a place of public resort, it constitutes a danger to members of the public.

(2) Any expenses incurred, by reason of the operation of **[**F15Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011**]**, by a person other than the owner or occupier (as defined for the purposes of this Order) of a quarry for the purpose of abating, or preventing the recurrence of, a **[**F16statutory nuisance**]** under paragraph (1) or in reimbursing a district council in respect of the abatement, or prevention of the recurrence, of such a **[**F16statutory nuisance**]** shall, subject to any agreement to the contrary, be recoverable by that person from the owner or occupier (as so defined) of the quarry.

**F12** Words in art. 10(1) substituted (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, **Sch. 3 para. 11(a)(i)**; S.R. 2012/13, art. 2(2), Sch. 2

**F13** Words in art. 10(1) substituted (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, **Sch. 3 para. 11(a)(ii)**; S.R. 2012/13, art. 2(2), Sch. 2

**F14** Words in art. 10(1) substituted (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, **Sch. 3 para. 11(a)(iii)**; S.R. 2012/13, art. 2(2), Sch. 2

**F15** Words in art. 10(2) substituted (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, **Sch. 3 para. 11(b)(i)**; S.R. 2012/13, art. 2(2), Sch. 2

**F16** Words in art. 10(2) substituted (1.4.2012) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, **Sch. 3 para. 11(b)(ii)**; S.R. 2012/13, art. 2(2), Sch. 2

## Provisions as to employment

### Employment of children and young persons

**11.**—(1) A child shall not be employed in a quarry or about the business of a quarry.

(2) A young person under the age of 16 taken into any employment in a quarry in which machinery is used shall not remain in that employment for more than 14 days unless within that period he has been examined by a registered medical practitioner and certified by him to be fit for that employment.

### Provisions as to wages

**12.** F17 . . . . . .

**F17** Art. 12 repealed (1.8.2006) by Quarries Regulations (Northern Ireland) 2006 (S.R. 2006/205), regs 1(1), **41(3)**

*Art. 13 rep. by 1990 NI 2*

## Miscellaneous

### Affixing of abstract of Order and notices

**14.** F18 . . . . . .

**F18** Art. 14 repealed (1.8.2006) by Quarries Regulations (Northern Ireland) 2006 (S.R. 2006/205), regs 1(1), **41(3)**

### General registers and records

**15.** [F19] . . . . . .

**F19** Art. 15 repealed (1.8.2006) by Quarries Regulations (Northern Ireland) 2006 (S.R. 2006/205), regs 1(1), **41(3)**

### Notice of commencement, etc., to Department

**16.** [F20] . . . . . .

**F20** Art. 16 repealed (1.8.2006) by Quarries Regulations (Northern Ireland) 2006 (S.R. 2006/205), regs 1(1), **41(3)**

### Notification of change of ownership, occupancy or name of quarry

**17.** [F21] . . . . . .

**F21** Art. 17 repealed (1.8.2006) by Quarries Regulations (Northern Ireland) 2006 (S.R. 2006/205), regs 1(1), **41(3)**

### Returns by owners, occupiers or agents of quarries

**18.**—(1) The owner, occupier or agent of every quarry shall, on or before 1st February in every year, send to the Department a correct return in the prescribed form specifying, with respect to such quarry for the year ending on the preceding 31st December, the quantity in statute weight and the name of the mineral produced or gotten during that year, the value or selling price of the mineral in the condition in which it leaves the quarry and the number of persons ordinarily employed in the quarry.
*Para. (2) rep. by SR 1997/455*

### Special accident reports by inspector

**19.** [F22] . . . . . .

**F22** Art. 19 repealed (1.8.2006) by Quarries Regulations (Northern Ireland) 2006 (S.R. 2006/205), regs 1(1), **41(3)**

## Legal proceedings

### Offences

**20.**—(1) Subject to paragraph (2), any person who contravenes any of the provisions of Articles [F23]. . . 10 and 11[F24]. . . shall be guilty of an offence.

(2) In the event of a contravention of any of the provisions mentioned in paragraph (1), the owner, occupier and agent of the quarry, as well as the person mentioned in that paragraph, shall each be