
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;

“overburden” means, in relation to a quarry, any ground or material lying on the rock or mineral worked;

“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;

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the The Quarries (Northern Ireland) Order 1983. (See end of Document for details)

“prime mover” means every engine, motor or other appliance which provides mechanical energy derived from steam, water, wind, electricity, combustion or other source;

“process” includes the use of any locomotive;

“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;

“steam boiler” means any closed vessel in which, for any purpose, steam is generated under pressure greater than atmospheric pressure, and any super-heater;

“transmission machinery” means every shaft, wheel, drum, pulley, system of fast and loose pulleys, coupling, clutch, driving strap or other device by which the motion of a prime mover is transmitted to or received by any machine or appliance;

“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, 1990^{F4}) 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 1973^{F5} (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.

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| F1 | 1954 c. 33 (N.I.). |
| F2 | SR 1999/150 |
| F3 | 1978 NI 9 |
| F4 | 1900 c. 27. |
| F5 | 1973 c. 36. |

Provisions as to safety

General provisions as to safety

3. For the prevention of dangerous accidents, and for ensuring the safety of persons employed, in every quarry, the following provisions shall have effect—

- (a) the working of the sides and of the overburden of the quarry shall be carried on so as to prevent dangerous falls of material;
- (b) the top of the quarry, and any opening or shaft made for the purpose of quarrying shall, if dangerous, be kept securely fenced;
- (c) if quarrying work is carried on after dark, the quarry shall be under the supervision of a competent person appointed by the owner, occupier or agent for the purpose of such work;
- (d) effective measures shall be taken for securing and maintaining sufficient and suitable lighting in every part of the quarry in which persons are working;
- (e) no explosives shall be taken into or used in any quarry except explosives provided by the owner, occupier, or agent;
- (f) due and effective warning shall be given before blasting is commenced and when it is finished.

Art. 4 rep. by SR 1990/374

General provisions as to machinery

5. The following provisions shall have effect in connection with the use of machinery in a quarry—

Paras. (a)#(b) rep. by SR 1993/19

Para. (c) rep. by SR 1999/304

Para. (d) rep. by SR 1993/19

- (e) a belt, strap or rope, when not in use, shall not be allowed to rest or ride upon a revolving shaft which forms part of the transmission machinery;
- (f) a young person under the age of 16 shall not be allowed to have charge of any engine or windlass, or of any part of the machinery, ropes, chains or tackle connected with any engine or windlass.

Art. 6 rep. by SR 1991/471

Restrictions on dangerous operations in quarries

7. If an inspector is satisfied that any method of working or the use of any part of the machinery or plant used in a quarry involves imminent danger to life of persons employed at the quarry he may by order prohibit, either absolutely or subject to conditions, that method of working or the use of that part and such order shall be valid for 14 days.

Observance of directions

8. Every person shall observe such directions with respect to working as may be given to him with a view to complying with Articles 3 to 7, 10 and 11 or the rules made under Article 13, or with a view to safety.

Regulations of tips and fencing of quarries**Regulation of tips**

9.—(1) The Department may make rules making such provision as appears to it to be necessary or expedient for the purpose of ensuring that every tip, being an active tip or a closed tip, is made and kept secure.

(2) Rules made under this Article may contain such incidental and supplementary provisions as appear to the Department to be appropriate and may in particular provide for the application, in relation to tips of any class to which the rules apply, of any of the provisions of this Order, with or without modifications, and for any amendments of this Order which are consequential on the first-mentioned provisions.

(3) Rules made under this Article shall be subject to affirmative resolution.

(4) In this Article—

“tip” means an accumulation or deposit of refuse from a quarry (whether in a solid state or in solution or suspension) other than an accumulation or deposit situated under-ground, and where any wall or other structure retains or confines a tip then, whether or not that wall or structure is itself composed of refuse, it shall be deemed to form part of the tip for the purposes of this Order;

“active tip” means a tip on premises which are deemed to form part of a quarry by virtue of Article 2 (5);

“closed tip” means a tip not on such premises, where the quarry with which the tip is associated has not been abandoned and the entirety or any part of the premises on which the tip is situated continues to be occupied exclusively by the owner of that quarry.

Fencing of quarries

10.—(1) For the purposes of section 107 of the Public Health (Ireland) Act 1878^{F6}, a quarry (whether in course of being worked or not) shall be deemed to be a nuisance liable to be dealt with summarily in manner provided by that Act 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 sections 107 to 127 of the Public Health (Ireland) Act 1878, 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 nuisance under paragraph (1) or in reimbursing a district council in respect of the abatement, or prevention of the

recurrence, of such a 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.

F6 1878 c. 52.

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.—(1) The wages of persons employed in a quarry shall not be paid in premises used for the sale of intoxicating liquor or in any place contiguous to such premises.

(2) The owner occupier or agent of a quarry shall not make any deduction from the sum contracted to be paid by him to any person employed or receive, or allow any person in his employment to receive, any payment from any such person in respect of anything to be done or provided by such owner, occupier or agent under this Article and Articles 3 to 8 and 10^{F7}. . . .

F7 1990 NI 2

Art. 13 rep. by 1990 NI 2

Miscellaneous

Affixing of abstract of Order and notices

14.—(1) There shall be kept affixed at every quarry, in the prescribed form and in such position as to be easily read by the persons employed in the quarry—

- (a) the prescribed abstract of this Order;
- (b) an entire copy of any rules made by the Department and applicable to the quarry; and
- (c) every notice and document required by this Order to be affixed at the quarry;

so, however, that the inspector may grant exemption in writing from any of the requirements of this Article, in cases where he is satisfied that it would be impracticable to comply with them.

(2) The owner, occupier or agent of a quarry shall supply a printed copy of the prescribed abstract of this Order, and of any rules applicable to the quarry, free of charge to each person employed at the quarry who applies for such copy.

General registers and records

15.—(1) For every quarry there shall be kept a general register in which there shall be entered in the prescribed form—

Sub#para. (a) rep. by 1990 NI 2

- (b) the report of every examination of a steam boiler;
- (c) such other matters as may be prescribed.

Status: Point in time view as at 01/01/2006.

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(2) The owner, occupier, or agent of a quarry shall send to the inspector such extracts from the general register as the inspector may require for the purpose of the execution of his duties under this Order.

(3) The general register shall be preserved and shall be kept available for inspection by any inspector—

- (a) when it is in use, during the working hours of the quarry; and
- (b) when no longer in use, for at least 2 years after the date of the last entry in such register.

Notice of commencement, etc., to Department

16. Where—

- (a) any working is commenced for the purpose of opening a new quarry;
- (b) a quarry is abandoned or the working of a quarry is discontinued;
- (c) the working of a quarry is recommenced after any abandonment or discontinuance for a period exceeding 2 months;

the owner, occupier, or manager of the quarry shall, within 2 months after the commencement, abandonment, discontinuance or recommencement send notice of the commencement, abandonment, discontinuance or recommencement, as the case requires, to^{F8} the Executive].

F8 SR 1999/150

Notification of change of ownership, occupancy or name of quarry

17.—(1) Where a change occurs—

- (a) in the ownership of a quarry; or
- (b) in the occupancy of a quarry; or
- (c) in the name of a quarry;

the owner shall, within 2 weeks after the change occurs, send to^{F9} the Executive] a notice stating the particulars of the change.

(2) For the purposes of this Article a name shall be deemed to be changed if the spelling of the name is altered.

F9 SR 1999/150

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. [F10The Executive] may direct an inspector to make a special report regarding any accident in a quarry if the accident has resulted in loss of life or personal injury to any person and shall cause any such inspector's report to be made public at such time and in such manner as the Department thinks fit.

F10 SR 1999/150

Legal proceedings

Offences

20.—(1) Subject to paragraph (2), any person who contravenes any of the provisions of Articles 3 to 8, 10 and 11^{F11} . . . 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 guilty of an offence unless he proves that he had taken all reasonable means by publishing, and to the best of his power enforcing, those provisions to prevent that contravention.

(3) Where an order under Article 7 is contravened, the occupier of the quarry and, in the case of a contravention respecting any method of working or any part of the machinery or plant, any person entitled to control that method of working or the use of that part, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

(4) Where a person is convicted of an offence under paragraph (3) and the contravention in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and shall be liable to a fine not exceeding £10 for each day on which the contravention is so continued.

(5) Where Article 14 is contravened the owner, occupier or agent of the quarry shall be guilty of an offence unless he proves that he had taken all reasonable means to effect compliance with that Article.

(6) Where Article 16 or 18 is contravened the owner, occupier or agent of the quarry shall be guilty of an offence.

(7) Where Article 17 is contravened the owner of the quarry shall be guilty of an offence.

(8) Any person who pulls down, injures or defaces any abstract, notice, rules or other document posted up in pursuance of this Order shall be guilty of an offence.

(9) Where a quarry is not managed or worked in conformity with this Order, the owner, occupier and agent of the quarry shall each be deemed to be guilty of an offence.

(10) Any person employed in a quarry, other than the owner, occupier or agent of the quarry, who is guilty of a contravention which in the case of an owner, occupier or agent would be an offence shall be deemed to be guilty of an offence.

F11 1990 NI 2

Defence available to owners, occupiers and agents

21. In any proceedings under this Order against the owner, occupier, or agent of a quarry in respect of an offence it shall be a defence for the person charged to prove—

- (a) that he was not in the habit of taking, and did not in respect of the matters in question take, any part in the management of the quarry; and

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(b) that the offence was committed without his knowledge, consent or connivance.

Restriction on institution of proceedings

22.—(1) Summary proceedings for an offence under this Order shall not be instituted against the owner, occupier or agent of a quarry except by an inspector or with the consent in writing of^{F12} the Executive].

(2) Where an owner, occupier or agent of a quarry proves that he had taken all reasonable means to prevent the contravention of any of the provisions of Articles 3 to 8, 10, 11 and 14^{F13}. . . , an inspector, if satisfied that the owner, occupier or agent had taken all such reasonable means, shall not institute any prosecution in respect of an offence under Article 20 (2) or (5).

F12 SR 1999/150

F13 1990 NI 2

Proceedings against persons other than owner, etc.

23. Where, under this Order, any person is substituted for the owner, occupier, or agent, with respect to any provisions of this Order, any order, summons, notice or proceeding which, for the purpose of any of those provisions, is by this Order required or authorised to be served on, or taken in relation to, the owner, occupier, or agent shall be served on, or taken in relation to, that person.

Prosecution by inspectors

24. An inspector, if authorised in that behalf in writing by^{F14} the Executive], may, although he is not of counsel or a solicitor, prosecute, conduct or defend before a court of summary jurisdiction any information complaint or other proceeding arising under this Order or in the discharge of his duty as inspector.

F14 SR 1999/150

Extension of time for bringing summary proceedings

25.—(1) Where with respect to, or in consequence of, any accident in a quarry—

- (a) a report is made—
 - (i) by the inspector directed to make a special report under this Order, or
 - (ii) by the court appointed to hold a formal investigation, or
- (b) a coroner's inquest is held,

and it appears from the report or from proceedings at the inquest that any of the provisions of this Order, or any rules made under this Order, was contravened at or before the time of the accident, summary proceedings against any person liable to be proceeded against in respect of the contravention may be commenced at any time within 3 months after the making of the report or the conclusion of the inquest.

(2) Where an offence under this Order is committed by reason of a failure to do something at or within a time specified by or under this Order, the offence shall be deemed to continue until the thing is done.

Evidence

26. In any proceedings under this Order—

- (a) it shall be sufficient to allege that the quarry is a quarry within the meaning of this Order;
- (b) it shall be sufficient to state the name of the ostensible owner or occupier of the quarry, or the title of the firm or company;
- (c) the court shall, if required by either party, cause minutes of the evidence to be taken and preserved.

Power of court to adjourn

27. If the court, before whom a person is charged with an offence under this Order, thinks that proceedings ought to be taken against that person for an offence under any other Act or otherwise, the court may adjourn the case to enable such proceedings to be taken.

Supplemental

Mode of service of documents

28.—(1) In addition to any method of service permitted by section 24 of the Interpretation Act (Northern Ireland) 1954, any document required or authorised by this Order to be served on any person may be served—

- (a) where the person is a firm, by delivering it to any partner of the firm, or by leaving it at, or sending it by post to, the office of the firm;
- (b) where the person is the owner or occupier of a quarry, by delivering it, or a true copy of it, to his agent.

(2) For the purpose of accepting delivery of any document or copy served under this Article any person in a quarry shall be deemed to be the agent of the occupier of the quarry.

(3) The provisions of the said section 24 and paragraphs (1) and (2) of this Article shall apply to the service of any summons or order as they apply to the service of a document.

Article 29—Amendments and repeals

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the
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Schedule 1—Amendments

Schedule 2—Repeals

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

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