
STATUTORY INSTRUMENTS

1995 No. 2036

HEALTH AND SAFETY

**The Quarries Miscellaneous Health and
Safety Provisions Regulations 1995**

<i>Made</i>	- - - -	<i>26th July 1995</i>
<i>Laid before Parliament</i>		<i>7th August 1995</i>
<i>Coming into force</i>		
<i>Regulation 11</i>		<i>26th July 1998</i>
<i>Remainder</i>		<i>26th October 1995</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 15(1), (2), (3)(a) and (b), and 82(3)(a) of, and paragraphs 1(1) and (2), 8, 9, 11, 12, 14, 15(1), 16, 18 and 21(b), of Schedule 3 to, the Health and Safety at Work etc. Act(1) (“the 1974 Act”) and of all other powers enabling him in that behalf for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Quarries Miscellaneous Health and Safety Provisions Regulations 1995 and subject to paragraph (2) shall come into force on 26th October 1995.

(2) Regulation 11 shall come into force on 26th July 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 26th October 1995; or
- (b) a modification, an extension or a conversion of a workplace carried out after 26th October 1995.

Interpretation

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

(1) 1974 c. 37; sections 15(1) and 50(3) were amended by Schedule 15 of the Employment Protection Act 1975 (c. 71) paragraphs 6 and 16(3) respectively.

“the 1954 Act” means the Mines and Quarries Act 1954(2);
 “the 1992 Regulations” means the Management of Health and Safety at Work Regulations 1992(3);
 “employer” includes the owner if he employs persons at work at the quarry;
 “the Executive” means the Health and Safety Executive;
 “health and safety document” shall be construed in accordance with regulation 4;
 “mine” means a mine within the meaning of the 1954 Act;
 “owner” means an owner within the meaning of section 181 of the 1954 Act;
 “quarry” means a quarry within the meaning of the 1954 Act;
 “workplace” shall have the same meaning as in Regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992(4) but with the omission of the words “subject to paragraph 2”.

- (2) In these Regulations, unless the context otherwise requires—
- (a) a reference to a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations so numbered; and
 - (b) a reference to a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which that reference occurs.

Application

- 3.—(1) Save where the contrary intention appears, 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.

The 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 1992 Regulations;
 - (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;

(2) 1954 c. 70, extended by the Mines and Quarries (Tips) Act 1969 (c. 10) and the Mines Management Act 1971 (c. 20): relevant amending instruments are S.I. 1974/2013, S.I. 1976/2063 and S.I. 1993/1897.
 (3) S.I. 1992/2051; amended by S.I. 1994/2865.
 (4) S.I. 1992/3004.

- (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.
- (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 section 139(2) of the 1954 Act 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 Executive 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 Executive 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 provisions 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 the date of coming into force of these Regulations, 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.

Modification of the Workplace (Health, Safety and Welfare) Regulations 1992

11. The provisions of the Workplace (Health, Safety and Welfare) Regulations 1992 specified in column 1 of Schedule 3 shall be modified as set out in the corresponding entry in column 2 of that Schedule.

Disapplication of section 157 of the 1954 Act

12. Section 157 of the 1954 Act (which provides a defence in legal proceedings and prosecutions in certain circumstances) shall not apply in relation to any prosecutions or other legal proceedings based on an allegation of a contravention of a requirement or prohibition imposed by these Regulations.

Signed by authority of the Secretary of State

26th July 1995

David Curry
Minister of State,
Department of the Environment

SCHEDULE 1

Regulation 7

NOTIFICATION OF CESSATION UNDER REGULATION 7

The particulars required for a notification under regulation 7 are as follows:

1. Owner's name and address where notices may be served on him.
2. Name of the quarry of coal.
3. Scale diagrams of the quarry of coal together with details of—
 - (a) the ordnance survey national grid reference of the location of the quarry of coal;
 - (b) the extent of the working area, including the extent of any auguring;;
 - (c) the terminal depth;
 - (d) the position of the quarry of coal and that of nearby quarries and mines relative to each other;
 - (e) location of slurry lagoons; and
 - (f) old shafts and workings encountered and not previously recorded.

SCHEDULE 2

Regulation 9

ADDITIONAL HEALTH AND SAFETY REQUIREMENTS

PART I

REQUIREMENTS ON EMPLOYERS

The additional health and safety requirements on an employer of persons at work at a quarry are as follows:—

Work permits

1.—(1) Where it is shown by the health and safety document that such a measure is necessary, a system of work permits shall be introduced for carrying out hazardous operations and usually straightforward operations which may interact with other activities to cause serious hazards.

(2) Work permits shall specify the conditions to be fulfilled and the precautions to be taken before, during and after, the work concerned and shall be issued by the employer or person at work in charge of those operations.

PART II

REQUIREMENTS ON OWNERS

The additional health and safety requirements on every owner of a quarry are as follows:

Means of evacuation and escape—

1.—(1) Persons at work at a quarry shall be trained in appropriate action to be taken in the event of an emergency.

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(2) Rescue equipment shall be provided at readily accessible and appropriately sited places and kept ready for use.

Safety drills

2.—(1) Safety drills shall be held at regular intervals at every quarry for persons at work at the quarry.

(2) The main purpose of such drills shall be —

- (a) to train the persons who work at the quarry in the appropriate actions to be taken in an emergency; and
- (b) to train and check the skills of such persons to whom specific duties have been assigned in the event of an emergency involving the use, handling or operation of emergency equipment.

(3) Where appropriate the persons described in sub-paragraph 2(b) shall also be drilled in the correct use, handling or operation of that equipment.

Benches and haul roads

3. In every quarry the benches and haul roads shall be designed, constructed and maintained so that they are of sufficient strength and stability for the plant that is used and moved upon them.

Lighting

4. Every part of a quarry in which a person is likely to be exposed to risks in the event of the failure of artificial lighting shall be provided with emergency lighting of adequate intensity and where that is impractical persons at work in that place shall be provided with a personal lamp.

Control of explosive atmospheres

5. Where there is a risk of an unintended explosion at any place at a quarry all necessary measures shall be taken with a view to—

- (a) preventing the occurrence and accumulation of explosive atmospheres; and
- (b) preventing the ignition of explosive atmospheres.

Smoking and use of open flame

6. At every place at a quarry where there is a particular risk of fire or explosion—

- (a) smoking shall be forbidden; and
- (b) no open flame shall be used nor any work carried out which may give rise to an ignition hazard unless safety precautions are first taken to prevent the occurrence of any fire or explosion.

Fire-fighting equipment

7. The location of fire-fighting equipment shall be indicated by signs which are placed at appropriate points at the quarry.

Written instructions

8. Written instructions shall be drawn up for every quarry which shall set out comprehensible

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- (a) rules and safety instructions to be observed to ensure the health and safety of persons at work and the safe use of equipment; and
- (b) information on the use of emergency equipment and action to be taken in the event of an emergency at or near any place of work at the quarry.

SCHEDULE 3

Regulation 11

MODIFICATIONS OF THE WORKPLACE (HEALTH, SAFETY AND WELFARE) REGULATIONS 1992

Column 1 Provision	Column 2 Extent of modification
Regulation 2	<p>In paragraph (1) insert the following words as a sub-paragraph before the definition of “new workplace”—</p> <p>““mine” means a mine within the meaning of the Mines and Quarries Act 1954;”</p> <p>In paragraph (1) insert the following words as a sub-paragraph before the definition of “traffic route”—</p> <p>““quarry” means a quarry within the meaning of the Mines and Quarries Act 1954;”</p>
Regulation 3	<p>Replace sub-paragraph (c) of paragraph (1) with the words</p> <p>“; or</p> <p>(c) a workplace located below ground at a mine.”.</p>
Regulation 3	<p>Revoke sub-paragraph (d) of paragraph (1).</p>
Regulation 3	<p>Insert the following paragraph after paragraph (4)—</p> <p>“(5) As respects any workplace which is 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.”.</p>

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations give effect (to the extent specified below), in relation to quarries and mines above ground, to—
 - (a) Council Directive [92/104/EEC](#) concerning the minimum requirements for improving the safety and health protection for workers in surface and underground mineral-extracting industries (“the Extractive Industries (Mines and Quarries) Directive”);
 - (b) Council Directive [92/91/EEC](#) concerning the minimum requirements for improving the safety and health protection of workers in the mineral-extracting industries through drilling (“the Extractive Industries (Boreholes) Directive”). The Regulations also contain other provisions.
2. The Regulations implement the Extractive Industries (Mines and Quarries) Directive with respect to—
 - (a) safety instructions (Article 3.1(d)), safety drills, (Article 3.1(f) the drawing up of a “health and safety document” and the carrying out of work in accordance with it (Article 3.2 and Point 1 of Part B) and the co-ordination of health and safety measures (second paragraph of Article 3.3);
 - (b) escape and rescue facilities (Article 5) and communication, warning and alarm systems (Article 6);
 - (c) health surveillance (Article 8);
 - (d) the following matters in Part A of the Annex to the Directive:
 - (i) written instructions (Point 1.6) and work permits (Point 1.8);
 - (ii) smoking and the use of open flame (Point 4.1.2), the protection from explosion risks (Point 4.2), protection plans where toxic gases are present in the atmosphere (Point 4.3.3), fire protection plans (Point 4.4.4), and fire-equipment signs (Point 4.4.5);
 - (iii) traffic routes (Point 6, in part, outdoor workstations (paragraphs (a), (c) and (d) of Point 7.3) and indication of danger areas (Point 8.1, in part);
 - (iv) means of evacuation and escape (Point 10) and safety drills (Point 11);
 - (v) natural and artificial lighting (Point 13), sanitary installations (Point 14, in part) and ancillary surface installations (Point 16 with the exception of paragraph 16.1);
 - (vi) pregnant women and nursing mothers (Point 17);
 - (e) benches and haul roads (Point 2.2, Part B of the Annex).
3. The Regulations implement the Extractive Industries (Boreholes) Directive with respect to the following matters in the Annex to the Directive—
 - (a) organisation of the workplace, mechanical and electrical equipment and plant and maintenance (Points 2.1, 3.2 and 4 of Part A, in part);
 - (b) ventilation of enclosed workplace and room temperature (Points 8 and 9 of Part A);
 - (c) floors, walls, ceilings and roofs of rooms, natural and artificial lighting (Points 10 and 11 of Part A, in part);
 - (d) windows and skylights (Point 12 of Part A);

- (e) doors and gates (Point 13 of Part A, with the exception of 13.7, in part);
- (f) traffic routes (Point 14 of Part A and Point 9 of Part B);
- (g) danger areas (Point 15 of Part A, in part);
- (h) room dimensions etc. and rest rooms (Points 16 and 17 of Part A);
- (i) outdoor workplaces (Point 18 of Part A, with the exception of 18.3(b));
- (j) pregnant women and nursing mothers (Point 19 of Part A);
- (k) sanitary equipment (Point 7 of Part B).

4. Regulation 4 requires the owner of every quarry to ensure that no work is carried out at the quarry unless a health and safety document has been prepared which demonstrates that the risks to which persons at work at the quarry are exposed have been assessed and that adequate measures have and will be taken to safeguard their health and safety. The Regulations also provide that, where appropriate, specified plans should be included in the document. The owner is required to ensure that the measures set out in the document are taken and that any plans included in that document are followed.

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

6. Regulation 6 provides that every employer of persons at work at a quarry shall co-operate with the owner to the extent requisite to enable the owner to comply with the relevant statutory provisions.

7. Regulation 7 requires the owner of every quarry of coal, within three months of the date on which the quarry was last worked, to give notice to the Health and Safety Executive of that fact.

8. Regulation 8 requires the owner of every quarry to ensure that adequate means of escape and rescue are provided and maintained and that adequate means of communication and warning are provided to enable assistance, escape and rescue operations to be launched.

9. Regulation 9 provides that every employer of persons at work at a quarry and every owner of a quarry shall ensure that the additional health and safety requirements set out in Parts I and II of Schedule 2 respectively, are, as appropriate having regard to specified matters, complied with.

10. Regulation 10 requires an employer of a person engaged in work at a quarry to ensure that that person is provided with such health surveillance as is appropriate.

11. Regulation 11 provides for the modifications of the Workplace (Health and Safety and Welfare) Regulations 1992 set out in Schedule 3. It extends the scope of those regulations to quarries and mines above ground.

12. Regulation 12 provides that section 157 of the Mines and Quarries Act 1954 (which provides a defence in legal proceedings in certain circumstances), shall not apply to prosecutions or other proceedings based on an alleged contravention of the Regulations.