
STATUTORY INSTRUMENTS

1999 No. 2024

The Quarries Regulations 1999

PART II

HEALTH AND SAFETY MANAGEMENT

Duties of the person entitled to work the quarry

5.—(1) The person entitled to work a quarry shall not permit another person to be the operator of that quarry unless that person is suitable and has sufficient resources to be able to operate the quarry safely.

(2) Where the person entitled to work a quarry permits another person to be the operator of that quarry, he shall make a written record of that permission which record shall be signed by the person so entitled and the operator and a copy of which shall be provided to the operator.

(3) The said record and copy shall be kept by the person so entitled and the operator respectively for the duration of the said permission.

(4) The person so entitled shall provide the operator with any relevant information available to him which might affect the health and safety of persons at work at the quarry.

General duties of the operator

6.—(1) It shall be the duty of the operator of every quarry to take the necessary measures to ensure, so far as is reasonably practicable, that the quarry and its plant are designed, constructed, equipped, commissioned, operated and maintained in such a way that persons at work can perform the work assigned to them without endangering their own health and safety or the health and safety of others.

(2) The operator shall co-ordinate the implementation of all measures relating to the health and safety of persons at work at the quarry.

(3) Without prejudice to the generality of paragraph (1), where necessary to ensure the health and safety of any person the operator shall ensure that any building (whether temporary or permanent) or structure—

(a) is designed, constructed, erected, operated, supervised and maintained so as to withstand any reasonably foreseeable environmental forces; and

(b) has a construction and solidity which is appropriate to the nature of its use.

(4) The operator shall ensure that in the event of the abandonment of or ceasing of operations at a quarry, the quarry is left, so far as is reasonably practicable, in a safe condition.

The health and safety document

7.—(1) The operator shall ensure that no work is 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 paragraphs (1) to (3C) of 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 persons—
 - (i) at the quarry, and
 - (ii) in the area immediately surrounding the quarry who are directly affected by the activities of the quarry;
 - (c) includes a statement of how the measures referred to in sub-paragraph (b) will be co-ordinated;
 - (d) gives details of the management structure and sets out the authority and duties of each person in the management structure; and
 - (e) records the following information—
 - (i) the rules required by regulation 10(1)(a),
 - (ii) the arrangements for the review of safety measures in accordance with regulation 11,
 - (iii) details of the inspection, maintenance and testing schemes prepared in accordance with regulation 12,
 - (iv) the rules controlling risks from vehicles required by regulation 14,
 - (v) details of the permit to work system required by regulation 18,
 - (vi) the shotfiring rules required by regulation 25(2),
 - (vii) the excavations and tips rules required by regulation 31,
 - (viii) the conclusions of any appraisal or assessment of an excavation or tip undertaken in accordance with regulation 32, and
 - (ix) the arrangements for health surveillance required by regulation 43.
- (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) 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; and
 - (c) a diagram of the quarry indicating those areas to which these Regulations do not apply by virtue of regulation 4(2)(c).
- (3) The operator shall ensure that the health and safety document, including any information recorded therein pursuant to paragraph (1)(e), is—
- (a) kept up to date; and
 - (b) made available to each employer of persons at work at the quarry and to all persons at work at the quarry.
- (4) The operator shall ensure—
- (a) that the measures identified in the health and safety document are taken; and
 - (b) that any plans included in that document are followed.
- (5) Each person in the management structure shall carry out the duties assigned to him in the health and safety document so as to protect the health and safety of persons at work at the quarry.

Management structure

8.—(1) With a view to ensuring the health, safety and welfare of those persons identified in regulation 7(1)(b)(i) and (ii), it shall be the duty of the operator to—

- (a) establish a management structure which enables the quarry to be operated in accordance with the health and safety document;
- (b) make a record of the management structure and the extent of the authority and duties of persons in the said structure;
- (c) appoint a competent individual to take charge of the operation of the quarry at all times when persons are working in the quarry, provided that where the operator is an individual and is suitably qualified and competent he may appoint himself;
- (d) ensure that when, for whatever reason, the individual appointed in accordance with paragraph (1)(c) is not readily available, a competent individual is nominated as a substitute to hold the authority and perform the duties of the first named individual; and
- (e) ensure that a sufficient number of competent persons are appointed to manage the quarry safely.

(2) Without prejudice to the generality of paragraph (1), the management structure shall be established to provide in particular that all persons working at the quarry come under the authority of a competent person in the management structure who shall have a duty to exercise such supervision of those persons as is appropriate to ensure the health and safety of those persons and of all others who may be affected by their activities.

(3) The operator shall ensure that the management structure is reviewed regularly and revised where necessary and in particular if the quarry undergoes significant changes (including natural changes), extensions or conversions.

(4) The operator shall ensure that each person who forms part of the management structure is provided with a copy of those parts of the health and safety document which describe his authority and duties.

(5) The reference to a competent individual taking charge in paragraph (1)(c) is a reference to that individual taking charge subject to the overall control exercised by the operator.

Training and competence

9. The operator shall ensure that no person undertakes any work at the quarry unless—

- (a) that person is either competent to do that work or he does so under the instruction and supervision of some other person who is competent to give instruction in and to supervise the doing of that work for the purpose of training him; and
- (b) a sufficient number of persons with the requisite competence to perform the tasks assigned to them are present.

Instructions, rules and schemes

10.—(1) It shall be the duty of the operator to—

- (a) ensure that rules are in place at the quarry with a view to securing—
 - (i) the health and safety of those persons identified in regulation 7(1)(b)(i) and (ii), and
 - (ii) the safe use of equipment;
- (b) ensure that copies of all current instructions, rules and schemes required to be made under these Regulations are kept at the quarry and are—
 - (i) given to any person at work at the quarry upon whom they impose duties; and

- (ii) comprehensible to all persons at work at the quarry to whom they apply; and
 - (c) take all reasonable measures to ensure that each person at work at the quarry understands any rules required to be made under these Regulations which are relevant to that person.
- (2) The operator shall ensure, so far as is reasonably practicable, that any instructions, rules and schemes required to be made under these Regulations are followed, or as the case may be, complied with, by persons at work at the quarry.

Review of health and safety measures

11. The operator shall ensure that—
- (a) the measures taken to protect the health and safety of those persons identified in regulation 7(1)(b)(i) and (ii) are reviewed—
 - (i) on a regular basis to ensure compliance with the relevant statutory provisions, and
 - (ii) whenever the circumstances require it, including where there has been a significant change in the way that the quarry operates; and
 - (b) the regularity with which such reviews are to take place is specified in the health and safety document.