
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations impose requirements with respect to health and safety in quarries, as defined at regulation 3, and supersede certain provisions formerly imposed by or under the Mines and Quarries Act 1954, the Mines and Quarries (Tips) Act 1969 and in certain other health and safety regulations.

2. The Regulations give effect in relation to quarries to Council Directive [92/104/EEC](#) (OJNo. L404, 31.12.92, p.10) concerning minimum requirements for improving the health and safety protection of workers in surface and underground mineral extracting industries with respect to—

- (a) Articles 3.1(a), (b), (c), (d), and (f), 3.2 and 3.3, 4 (except in relation to general fire precautions), 5 to 7 and 8.2;
- (b) in Part A of the Annex, Points 1.1.3, 1.2 to 1.6, 1.8, 1.9, 3.1, 4.1 to 4.3, Section 5, Point 6.6, Section 8, Point 9.1, Sections 10 and 11, Point 13.4, Section 15, and Point 16.1;
- (c) in Part B of the Annex, Sections 1 and 2.

3. The Regulations apply to all quarries where persons work and impose duties on the operator (as defined at regulation 2(1)) with respect to persons at or in the area immediately surrounding the quarry (regulation 7(1)).

4. A duty to ensure the suitability of the operator and to keep specified records is placed on the person entitled to work a quarry (regulation 5).

5. The Regulations—

- (a) impose a duty on the operator to take the measures necessary to ensure, so far as is reasonably practicable, that the quarry can be worked without risks to health and safety (regulation 6);
- (b) impose duties on the operator with respect to preparing a health and safety document and establishing a management structure (regulations 7 and 8);
- (c) require the operator to ensure that workers are competent (as defined at regulation 2(1)), that rules designed to secure health and safety are in place and to review health and safety measures on a regular basis (regulations 9, 10 and 11);
- (d) in Part III, which relates to risk control, require the operator to—
 - (i) prepare a written scheme for the systematic inspection of the quarry, buildings and plant (regulation 12),
 - (ii) ensure, so far as is reasonably practicable, the safety of benches and haul roads and to make vehicles rules (regulations 13 and 14),
 - (iii) ensure that there are adequate escape and rescue facilities and, where appropriate, place a barrier around the quarry (regulations 15 and 16);
- (e) in Part IV, require the operator to—
 - (i) ensure a permit to work system is in place and that regular safety drills are held (regulations 18 and 19),
 - (ii) control the risk of explosions or fires and harmful or explosive atmospheres (regulations 20 and 21),

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- (iii) take specified safety measures regarding danger areas and ensure that adequate emergency lighting is provided (regulations 22 and 23);
- (f) in Part V, which applies to the storage, transport and use of explosives—
 - (i) require the operator to ensure the safe storage, transport and use of explosives; appoint an Explosives Supervisor; ensure that suitable shotfiring rules and specifications are drawn up and followed; that explosives workers are competent, that appropriate facilities and equipment are provided and that explosives are stored safely (regulation 25),
 - (ii) require the operator to ensure that shotfiring operations and trainee shotfirers are closely supervised and that records of appointment are made (regulation 26),
 - (iii) impose duties on the shotfirer (regulation 27),
 - (iv) require the operator to take specified steps in relation to misfires and prohibit specified activities in relation to explosives (regulations 28 and 29);
- (g) in Part VI, which relates to excavations and tips (both as defined at regulation 2(1)), require the operator to—
 - (i) ensure that excavations and tips are designed, constructed, operated and maintained so as to ensure health and safety and that excavations and tips rules are made (regulations 30 and 31),
 - (ii) ensure that all proposed or existing excavations or tips are appraised by a competent person and, where required by regulation 32, subjected to a geotechnical assessment as defined at regulation 33; that specified records are made and that remedial work is undertaken (regulations 32 and 33),
 - (iii) ensure that excavations and tips are subject to further geotechnical assessments at specified intervals and in specified circumstances (regulations 34 and 35),
 - (iv) ensure that records of substances tipped at notifiable tips (as defined at regulation 34) are kept and give notice to the Executive with respect to specified tips and excavations (regulations 36 and 37);
- (h) contain a transitional provision (regulation 38);
- (i) in Part VII—
 - (i) require employers of persons at work at the quarry to co-operate with the operator with respect to health and safety and require the operator to make arrangements to facilitate co-operation with persons at work at the quarry in promoting health and safety, including the appointment of a committee with powers of inspection (regulations 39 and 40),
 - (ii) prohibit employers from employing persons to work at the quarry unless there is an operator; impose duties on employers with respect to the relevant statutory provisions and health surveillance and impose duties on persons at work at the quarry (regulations 41, 42 and 43);
- (j) in Parts VIII and IX—
 - (i) impose duties on the operator with respect to record keeping and notification (regulations 44 and 45),
 - (ii) provide that the Executive may grant exemptions from any requirement or prohibition of the Regulations in specified circumstances (regulation 46),
 - (iii) repeal certain provisions of the Mines and Quarries Act 1954 and modify certain provisions of that Act, the Factories Act 1961 and the Mines and Quarries (Tips) Act 1969 (regulation 47), and

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(iv) revoke and modify specified instruments (regulation 48).

6. A copy of the regulatory impact assessment prepared in respect of these Regulations can be obtained from the Health and Safety Executive, Safety Policy Division, Branch C2, 4SW, Rose Court, 2 Southwark Bridge, London SW1 9HS. Copies have been placed in the library of each House of Parliament.