

## SCHEDULE 5

### REVOCATIONS AND MODIFICATIONS OF INSTRUMENTS

Regulation 48(2)

## PART II

### MODIFICATIONS

<i>Column 1</i> <i>Provision</i>	<i>Column 2</i> <i>Extent of modification</i>
<i>The Mines and Quarries (Tips) Regulations 1971(1)</i>	
Regulations 3, 5(4), 5(5), 8, 12, 17, 18(1), 19(1), 20(1), 21(1), 22(1), 24 and 25	Omit the words “or quarry” wherever they occur.
Regulation 2	In paragraph (1), in the definition of “the person having responsibility for a tip”, omit sub-paragraph (a).
Regulation 4	In paragraph (1), omit the words “and quarry”.
Regulation 6	In paragraph (1), omit the words “and of the owner of every quarry”.
	In paragraph (2), omit the words “and quarry”.
Regulation 7	Omit the words “mines and quarries are” and insert the words “mine is” in their place.
Regulation 9	In paragraph (1), omit the words “or quarry” wherever they occur and omit the words “or the owner of the quarry”.
	In paragraphs (2) and (3), omit the words “or quarry” wherever they occur.
Regulation 10	In paragraph (1), omit the words “or quarry” wherever they occur and omit the words “or, as the case may be, the owner of the quarry”.
Regulation 11	Omit the words “or quarry” wherever they occur.
	In paragraph (a), omit the words “or, as the case may be, the owner of the quarry” and “or, as the case may be, by the owner of the quarry”.
Regulation 13	Omit the words “or quarry” wherever they occur and omit the words “or, as the case may be, of the owner of the quarry”.
Regulation 14	Omit the words “or quarry” and “or, as the case may be, of the owner of the quarry” wherever they occur.

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(1) S.I.1971/1377.

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<i>Column 1 Provision</i>	<i>Column 2 Extent of modification</i>
Regulation 15 <i>The Mines and Quarries (Tipping Plans) Rules 1971(2)</i>	Omit the words “or of the owner of the quarry”.
Regulation 3 <i>The Safety Representatives and Safety Committees Regulations 1977(3)</i>	Omit the words “and quarries”.
Regulation 5 <i>The Electricity at Work Regulations 1989(4)</i>	In paragraph (4), after the words “Mines and Quarries Act 1954” insert the words “or regulation 40 of the Quarries Regulations 1999”.
Regulation 3 <i>The Noise at Work Regulations 1989(5)</i>	For sub-paragraph (b) of paragraph (1) substitute the following sub-paragraph— <ul style="list-style-type: none"> <li>“(b) (i) manager, in relation to a mine within the meaning of the Mines and Quarries Act 1954, and</li> <li>(ii) operator, in relation to a quarry within the meaning of regulation 3 of the Quarries Regulations 1999, to ensure that all requirements or prohibitions imposed by or under these Regulations are complied with in so far as they relate to the mine of which he is the manager or quarry of which he is the operator and to matters which are within his control.”.</li> </ul>
Regulation 2	For paragraph (3) substitute the following paragraph— <ul style="list-style-type: none"> <li>“(3) Duties under these Regulations imposed upon an employer shall also be imposed upon—</li> <li>(a) in a mine within the meaning of section 180 of the Mines and Quarries Act 1954, the manager; and</li> <li>(b) in a quarry within the meaning of regulation 3 of the Quarries Regulations 1999, the operator,</li> </ul>

(2) S.I. 1971/1378.  
(3) S.I. 1977/500; amended by S.I. 1992/2051, 1996/1513.  
(4) S.I. 1989/635; amended by S.I. 1995/2005, 1996/192, 1997/1993.  
(5) S.I. 1989/1790; amended by S.I. 1992/2966, 1996/341, 1997/1993.

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<i>Column 1 Provision</i>	<i>Column 2 Extent of modification</i>
	in so far as those duties relate to the mine of which he is the manager or quarry of which he is the operator and to matters under his control.”.
<i>The Pressure System and Transportable Gas Containers Regulations 1989(6)</i>	
Regulation 2	In paragraph (1) in the definition of “user”, omit the words “a mine or any part of a quarry (both within the meaning of section 180 of the Mines and Quarries Act 1954), it means the manager for the time being of that mine or that part of the quarry” and substitute the following words— <ul style="list-style-type: none"><li>“(a) a mine within the meaning of section 180 of the Mines and Quarries Act 1954 it means the manager for the time being of that mine;</li><li>(b) a quarry within the meaning of regulation 3 of the Quarries Regulations 1999 it means the operator for the time being of that quarry.”.</li></ul>
<i>The Workplace (Health, Safety and Welfare) Regulations 1992(7)</i>	
Regulation 2	In paragraph (1), omit the definition of “quarry” and substitute the following definition— ““quarry” means a quarry within the meaning of the Quarries Regulations 1999;”.
<i>The Ionising Radiations (Outside Workers) Regulations 1993(8)</i>	
Regulation 2	Omit paragraph (4) and substitute the following paragraph— “Duties under these Regulations imposed on the operator shall also be imposed upon— <ul style="list-style-type: none"><li>(a) in a mine within the meaning of section 180 of the Mines and Quarries Act 1954, the manager; and</li><li>(b) in a quarry within the meaning of regulation 3 of the Quarries Regulations 1999, the operator,</li></ul>

(6) S.I. 1989/2169; amended by S.I. 1992/743, 1996/1656, 1996/2092, 1997/2776.

(7) S.I. 1992/3004; amended by S.I. 1995/2036, 1996/1592.

(8) S.I. 1993/2379.

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<i>Column 1 Provision</i>	<i>Column 2 Extent of modification</i>
	in so far as those duties relate to the mine or part of the mine of which he is the manager or the quarry of which he is the operator and to matters under his control.”.
<i>The Railways (Safety Case) Regulations 1994(9)</i>	
Regulation 2	In paragraph (1), omit the definitions of “mine” and “quarry” and insert the following definitions— ““mine” has the meaning assigned to it by section 180 of the Mines and Quarries Act 1954;”. and ““quarry” has the meaning assigned to it by regulation 3 of the Quarries Regulations 1999;”.
<i>The Railways (Safety Critical Work) Regulations 1994(10)</i>	
Regulation 2	In paragraph (1), omit the definitions of “mine” and “quarry” and substitute the following definitions— ““mine” has the meaning assigned to it by section 180 of the Mines and Quarries Act 1954;” and ““quarry” has the meaning assigned to it by regulation 3 of the Quarries Regulations 1999;”.
<i>The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995(11)</i>	
Regulation 2(1)	Omit the definitions of “mine” and “quarry” and substitute the following definitions— ““mine” means a mine within the meaning of section 180 of the Mines and Quarries Act 1954 and for the purposes of these Regulations includes a closed tip within the meaning of section 2(2)(b) of the Mines and Quarries (Tips) Act 1969 which is associated with that mine;” and ““quarry” means a quarry within the meaning of regulation 3 of the Quarries Regulations 1999”.
	Insert the following definition— ““operator” in relation to a quarry has the meaning assigned to it by the Quarries Regulations 1999;”.

(9) S.I. 1994/237; amended by S.I. 1996/1592.

(10) S.I. 1994/299; amended by S.I. 1996/1592.

(11) S.I. 1995/3163; amended by S.I. 1996/2089, 1996/2092, 1997/2776.

<i>Column 1</i> <i>Provision</i>	<i>Column 2</i> <i>Extent of modification</i>
Schedule 2, Part III	<p>In sub-paragraph (a) of the definition of “owner”, the words “or quarry” shall be omitted.</p> <p>In sub-paragraph (a)(ii) of the definition of “responsible person”, omit the word “owner” and substitute the word “operator” and in sub-paragraph (a)(iii), omit the words “or quarry”.</p> <p>In sub-paragraph (2) of paragraph 43, omit the words “as in regulation 2(1) of the Quarries (Explosives) Regulations 1988” and substitute the words “as in regulation 2(1) of the Quarries Regulations 1999”.</p> <p>In paragraph 45, omit the words “regulation 2(1) of the Quarries (Explosives) Regulations 1988” and substitute the words “regulation 2(1) of the Quarries Regulations 1999”.</p> <p>In paragraph 46, omit the words “to which Part I of the Mines and Quarries (Tips) Act 1969 applies” and insert the words “to which the Quarries Regulations 1999 apply”.</p>
Schedule 5 Paragraph 1	<p>In paragraph (c)(i), after the words “person, or” insert the words “a person appointed in the management structure of that quarry established pursuant to paragraph (1) of regulation 8 of the Quarries Regulations 1999.”</p> <p>Paragraphs (c)(ii), (c)(iii) and (c)(iv) shall be omitted.</p>
Paragraph 4	<p>In paragraph (b) of sub-paragraph (1), after the words “Mines and Quarries Act 1954” insert the words “or, as the case may be, regulation 40 of the Quarries Regulations 1999”.</p>
Paragraph 5	<p>In paragraph (b), after the words “Mines and Quarries Act 1954” insert the words “or, as the case may be, regulation 40 of the Quarries Regulations 1999”.</p>
<i>The Carriage of Dangerous Goods by Rail Regulations 1996(12)</i> Regulation 1	<p>In paragraph (2), omit the definitions of “mine” and “quarry” and substitute the following definitions—</p>

(12) S.I. 1996/2089, amended by S.I. 1998/2885.

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<i>Column 1</i> <i>Provision</i>	<i>Column 2</i> <i>Extent of modification</i>
	<p>““mine” has the meaning assigned to it by section 180 of the Mines and Quarries Act 1954;” and</p> <p>““quarry” has the meaning assigned to it by regulation 3 of the Quarries Regulations 1999;”</p>
	<p><i>The Packaging, Labelling and Carriage of Radioactive Material by Rail Regulations 1996(13)</i></p>
Regulation 1	<p>In paragraph (2), omit the definitions of “mine” and “quarry” and substitute the following definitions—</p> <p>““mine” has the meaning assigned to it by section 180 of the Mines and Quarries Act 1954;” and</p> <p>““quarry” has the meaning assigned to it by regulation 3 of the Quarries Regulations 1999;”</p>
	<p><i>The Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996(14)</i></p>
Regulation 2	<p>In subsection (1), omit the definitions of “mine” and “quarry” and substitute the following definitions—</p> <p>““mine” has the meaning assigned to it by section 180 of the Mines and Quarries Act 1954;” and</p> <p>““quarry” has the meaning assigned to it by regulation 3 of the Quarries Regulations 1999;”</p>
	<p><i>The Railways Safety (Miscellaneous Provisions) Regulations 1997(15)</i></p>
Regulation 2	<p>In paragraph (1), omit the definitions of “mine” and “quarry” and substitute the following definitions—</p> <p>““mine” has the meaning assigned to it by section 180 of the Mines and Quarries Act 1954;” and</p> <p>““quarry” has the meaning assigned to it by regulation 3 of the Quarries Regulations 1999;”</p>
	<p><i>The Health and Safety (Enforcing Authority) Regulations 1998(16)</i></p>
Regulation 2	<p>In paragraph (1), omit the definition of “quarry” and substitute the following definition—</p>

(13) S.I. 1996/2090.

(14) S.I. 1996/2092, amended by S.I. 1998/2885.

(15) S.I. 1997/553.

(16) S.I. 1998/494.

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<i>Column 1</i> <i>Provision</i>	<i>Column 2</i> <i>Extent of modification</i>
Schedule 2	<p>““quarry” has the meaning assigned to it by regulation 3 of the Quarries Regulations 1999;”.</p> <p>In paragraph 1, omit the words “section 139(2) of the Mines and Quarries Act 1954” and substitute the following— “regulation 45(1) of the Quarries Regulations 1999”.</p>
<i>The Gas Safety (Installation and Use) Regulations 1998</i> <b>(17)</b>	
Regulation 2	<p>For sub-paragraph (a) of paragraph (4), substitute the following sub-paragraph—</p> <p>“(a) (i) a mine within the meaning of the Mines and Quarries Act 1954 or any place deemed to form part of a mine for the purposes of that Act, or</p> <p>(ii) a quarry within the meaning of the Quarries Regulations 1999 or any place deemed to form part of a quarry for the purposes of those Regulations.”</p>
<i>The Transport of Dangerous Goods (Safety Advisers) Regulations 1999</i> <b>(18)</b>	
Regulation 2	<p>In paragraph (1), omit the definitions of “mine” and “quarry” and substitute the following definitions—</p> <p>““mine” has the meaning assigned to it by section 180 of the Mines and Quarries Act 1954;” and</p> <p>““quarry” has the meaning assigned to it by regulation 3 of the Quarries Regulations 1999;”</p>
<i>The Health and Safety (Fees) Regulations 1999</i> <b>(19)</b>	
Regulation 1	<p>In paragraph (2), in the definition of “the mines and quarries provisions”, omit sub-paragraphs (a) and (b) and substitute the following sub-paragraphs—</p> <p>“(a) mines within the meaning of section 180 of the Mines and Quarries Act 1954;</p> <p>(b) tips and quarries within the meaning of regulations 2(1) and</p>

(17) S.I. 1998/2451.

(18) S.I. 1999/257.

(19) S.I. 1999/645.

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<i>Column 1</i> <i>Provision</i>	<i>Column 2</i> <i>Extent of modification</i>
	3 respectively of the Quarries Regulations 1999; and (c) tips within the meaning of section 2(1) of the Mines and Quarries (Tips) Act 1969;”