
STATUTORY INSTRUMENTS

1995 No. 2036

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

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—

- “the 1954 Act” means the Mines and Quarries Act 1954(1);
- “the 1992 Regulations” means the Management of Health and Safety at Work Regulations 1992(2);
- “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(3) 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.

(1) 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.
(2) S.I. 1992/2051; amended by S.I. 1994/2865.
(3) S.I. 1992/3004.

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
 - (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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State

26th July 1995

David Curry
Minister of State,
Department of the Environment