
STATUTORY INSTRUMENTS

1999 No. 2024

The Quarries Regulations 1999

PART I

INTERPRETATION AND GENERAL

Citation and commencement

1.—(1) These Regulations may be cited as the Quarries Regulations 1999 and subject to paragraphs (2) and (3) shall come into force on 1st January 2000.

(2) Regulation 32, with the exception of paragraph (4), shall come into force on 1st January 2001 with respect to any tip which was not a classified tip for the purposes of regulation 2(1) of the 1971 Regulations.

(3) Regulation 32(4) shall come into force on 1st January 2002 with respect to any notifiable tip which was not a classified tip for the purposes of regulation 2(1) of the 1971 Regulations.

Interpretation

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

“the 1954 Act” means the Mines and Quarries Act 1954(1);

“the 1969 Act” means the Mines and Quarries (Tips) Act 1969(2);

“the 1971 Regulations” means the Mines and Quarries (Tips) Regulations 1971(3);

“the 1992 Regulations” means the Management of Health and Safety at Work Regulations 1992(4);

“appoint” in relation to a person means appoint in writing with a written statement summarising his duties and authority, and “appointed” shall be construed accordingly;

“competent” in relation to a person means a person with sufficient training, experience, knowledge and other qualities to enable him properly to undertake the duties assigned to him, and “competence” shall be construed accordingly;

“detonator” means an initiator for explosives that contains a charge of high explosive fired by means of a flame, spark, electric current or shock tube;

“excavation” means any place at the quarry where minerals are or have been extracted and includes the ground, faces or sides of the quarry and any other incline;

“excavations and tips rules” means the rules referred to at regulation 31;

“the Executive” means the Health and Safety Executive;

(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, 1976/2063, 1993/1897.

(2) 1969 c. 10 to which there are amendments not relevant to these Regulations.

(3) S.I. 1971/1377.

(4) S.I. 1992/2051; amended by S.I. 1994/2865, 1997/135, 1997/1840.

“exploder” means a device designed for firing detonators;

“explosives” means explosive articles or explosive substances both as defined in the Classification and Labelling of Explosives Regulations 1983⁽⁵⁾;

“explosives store” means—

- (a) premises registered in accordance with section 21 of the Explosives Act 1875⁽⁶⁾ (“the 1875 Act”);
- (b) a magazine licensed in accordance with sections 6 to 8 of the 1875 Act; or
- (c) a store licensed in accordance with section 15 of the 1875 Act;

“geotechnical assessment” has the meaning given to it in regulation 33(1);

“geotechnical specialist” means a chartered engineer or chartered geologist who has—

- (a) three or more years relevant experience in soil mechanics, rock mechanics or excavation engineering; and
- (b) is competent to perform a geotechnical analysis to determine the hazard and risk arising from the excavation or tip being assessed,

“hazard” in relation to an excavation or tip means having the potential to cause harm to the health and safety of any person;

“health and safety document” shall be construed in accordance with regulation 7;

“maintained” with respect to the quarry and its plant means maintained, where necessary to secure the health and safety of any person, in an efficient state, in efficient working order and in good repair, and “maintenance” shall be construed accordingly;

“management structure” shall be construed in accordance with regulation 8;

“mine” means any mine within the meaning of the 1954 Act;

“minerals” includes stone, slate, clay, gravel, sand and other natural deposits except peat;

“misfire” means an occurrence in relation to the firing of shots where—

- (a) testing before firing reveals broken continuity which cannot be rectified; or
- (b) a shot or any part of a shot fails to explode when an attempt is made to fire it;

“notifiable excavation” and “notifiable tip” shall be construed in accordance with regulation 34(3);

“operator” in relation to a quarry means the person in overall control of the working of the quarry;

“preparation for sale” includes the crushing, screening, washing, drying and bagging of minerals;

“public road” means (in England and Wales) a highway maintainable at public expense within the meaning of section 329 of the Highways Act 1980⁽⁷⁾ and (in Scotland) a public road within the meaning assigned to that term by section 151 of the Roads (Scotland) Act 1984⁽⁸⁾;

“quarry” has the meaning given to it by regulation 3;

“railway company” means any person authorised by an enactment to construct, work or carry on a railway and for the purposes of this definition the expression “enactment” includes a provision of an order or scheme made under or confirmed by an Act;

(5) S.I. 1983/1140; amended by S.I. 1987/605, 1996/2093.

(6) 1875 c. 17; the relevant amending instruments are S.I. 1974/1885, 1984/510, 1987/52.

(7) 1980 c. 66 to which there are amendments not relevant to these Regulations.

(8) 1984 c. 54.

“safety fuse” means a flexible cord that contains an internal burning medium by which fire is conveyed at a continuous and uniform rate for the purpose of firing plain detonators or blackpowder, without initiating burning in a similar fuse that may be in lateral contact alongside;

“shot” means a single shot or a series of shots fired as part of one blast;

“shotfirer” means a person appointed pursuant to regulation 25(2)(a)(ii) to be responsible for shotfiring operations;

“shotfiring operations” includes—

- (a) checking to ensure that the blasting specification is still appropriate for the site conditions at the time the blasting is to take place;
- (b) mixing explosives;
- (c) priming a cartridge;
- (d) charging and stemming a shothole;
- (e) linking or connecting a round of shots;
- (f) withdrawal and sheltering of persons;
- (g) inspecting and testing a shotfiring circuit;
- (h) firing a shot; and
- (i) checking for misfires;

“tip” means an accumulation or deposit of any substance at a quarry (whether in a solid or liquid state or in solution or suspension) and includes, but is not limited to, overburden dumps, backfill, spoil heaps, stock piles and lagoons, and where any wall or other structure retains or confines a tip then it shall be deemed to form part of the tip;

“trainee shotfirer” means a person appointed pursuant to regulation 25(2)(a)(ii) to undergo training in shotfiring operations under the close personal supervision of a shotfirer;

“vehicle” means any mechanically propelled vehicle (including mechanically propelled plant);

“vehicle rules” means the rules referred to at regulation 14.

(2) Unless the context otherwise requires, any reference in these Regulations to—

- (a) a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations so numbered;
- (b) a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which that reference occurs; and
- (c) any specified document shall operate as a reference to that document as revised or reissued from time to time.

Meaning of quarry

3.—(1) In these Regulations “quarry” means—

- (a) subject to paragraph (2), an excavation or system of excavations made for the purpose of, or in connection with, the extraction of minerals (whether in their natural state or in solution or suspension) or products of minerals, being neither a mine nor merely a well or borehole or a well and borehole combined;
- (b) any reclamation site (and for this purpose “reclamation site” means a site where the extraction of minerals forms part of the process whereby that site is restored for agricultural, industrial or domestic use) from which minerals are being extracted for sale or further use; or

- (c) any disused tip which is not at a mine being worked within the meaning of regulation 2(3) of the Management and Administration of Safety and Health at Mines Regulations 1993(9) from which minerals are being extracted for sale or further use.
- (2) Notwithstanding paragraph (1)(a), in these Regulations “quarry” does not include—
 - (a) an excavation or system of excavations made for the purpose of or in connection with the extraction of such minerals or products of minerals where the exclusive purpose of that extraction is to enable the minerals or products of minerals so extracted to be used for the purpose of carrying out any building, civil engineering or engineering construction work on the site at which the extraction has taken place;
 - (b) a public road; or
 - (c) a railway line which is exclusively under the control of—
 - (i) a railway company, or
 - (ii) a person who carries on an undertaking which consists of, or the main activity or one of the main activities of which consists of, the management of a network within the meaning of subsection (1) of section 83 of the Railways Act 1993(10).
- (3) For the purposes of these Regulations, the following shall be deemed to form part of a quarry—
 - (a) so much of the surface (including buildings, structures and works thereon) surrounding or adjacent to the quarry as is occupied for the purpose of, or in connection with—
 - (i) the working of the quarry,
 - (ii) the consumption, use, storage or preparation for sale of the minerals or products thereof extracted from the quarry, or
 - (iii) the removal from the quarry of any substance extracted from the quarry; and
 - (b) any tip—
 - (i) for the time being used in conjunction or connection with the operation of the quarry, or
 - (ii) subject to paragraph (4)(a), (whether or not it is for the time being in use) situated on premises occupied by the operator of the quarry;
- (4) For the purposes of these Regulations, where
 - (a) a tip is for the time being used in conjunction or connection with the operation of two or more quarries and is situated on premises occupied exclusively by the operator of one of those quarries, it shall be treated as forming part of that quarry unless—
 - (i) the operator of one of the other quarries in conjunction or connection with which the tip is for the time being used has agreed that the tip should be treated as forming part of the quarry of which he is the operator, and
 - (ii) notice to that effect has been given to the Executive by that operator;
 - (b) a tip is for the time being used in conjunction or connection with the operation of two or more quarries and is situated on premises occupied jointly by the operators of two or more of those quarries, the last-named operators shall, for the purposes of these Regulations, be treated as being in joint and several control of that tip and as being jointly and severally responsible therefore unless—
 - (i) the said operators have agreed that one of their number should be treated as being in control of that tip and responsible therefore, and

(9) S.I. 1993/1897; amended by S.I. 1995/2005, 1996/1592.

(10) 1993 c. 43.

(ii) notice to that effect has been given to the Executive by the operator who is to be so treated;

(5) Upon receipt of a notice given in accordance with paragraphs (4)(a)(ii) or (4)(b)(ii), the tip named in that notice shall be treated as forming part of the quarry specified in the said notice.

Application

4.—(1) Subject to paragraph (2) and save where the contrary intention appears, these Regulations shall apply to all quarries where persons work.

(2) These Regulations shall not apply to any—

- (a) quarry at which there has been no extraction or preparation for sale of minerals within the previous 12 months;
- (b) quarry in relation to which notice of abandonment or ceasing of operations has been given to the Executive in accordance with regulation 45(1), provided that the quarry is no longer being used for the extraction or preparation for sale of minerals; or
- (c) part of a quarry which is being used exclusively by a person for a work activity unconnected with—

- (i) the extraction of minerals, or
- (ii) the preparation for sale of minerals,

provided that no work activity set out in paragraph (3) is being carried on at that quarry.

(3) The work activities mentioned in paragraph (2) are any work carried on—

- (a) with a view to abandoning that quarry; or
- (b) for the purpose of preventing the flow from that quarry into an adjacent quarry of water or material that flows when wet.

(4) 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.