
STATUTORY INSTRUMENTS

1999 No. 2024

The Quarries Regulations 1999

PART VII

**DUTIES OF EMPLOYERS AND PARTICIPATION
AND DUTIES OF PERSONS AT WORK**

Co-operation

39. Every employer of persons at work at a quarry and every person at work at the quarry shall co-operate with the operator to the extent requisite to enable the operator to comply with the relevant statutory provisions.

Participation of persons at work

40.—(1) It shall be the duty of the operator to make and maintain arrangements which will enable him and those persons who regularly work at the quarry to co-operate effectively in promoting and developing measures to ensure the health, safety and welfare of persons who regularly work at the quarry and in checking the effectiveness of such measures.

(2) For the purposes described in paragraph (1), a committee of persons with suitable practical experience of quarrying operations may be appointed for the quarry—

- (a) in a case where there is an association or body representative of a majority of the total number of persons working at the quarry, by that association or body; or
- (b) jointly by associations or bodies which are together representative of such a majority.

(3) Where an injury or dangerous occurrence which is notifiable under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995(1) occurs at a quarry, the operator shall permit two members of the committee appointed under paragraph (2) to inspect together the place where the injury or dangerous occurrence occurred and, so far as is necessary for ascertaining its cause, any other part of the quarry and any plant, and to take samples of the atmosphere, dust or water at that place.

(4) The operator of a quarry shall permit sufficient inspections to be carried out by members of the committee appointed under paragraph (2) to enable every part of the quarry and any plant and equipment at the quarry to be inspected once a month by two of those committee members together.

(5) The operator of a quarry shall permit members of a committee appointed under paragraph (2) who are carrying out an inspection under paragraph (4) to—

- (a) scrutinise any documents which are kept at the quarry in compliance with the relevant statutory provisions;
- (b) review the risk assessment referred to in regulation 7(1)(a) and the measures referred to in regulation 7(1)(b) and to suggest improvements thereto; and
- (c) be accompanied by their advisers.

(1) S.I.1995/3163 to which there are amendments not relevant to these Regulations.

(6) The operator of a quarry shall ensure that any improvements suggested under paragraph (5) (b) are considered and, if they are not accepted, written reasons for this are given to the members of the committee who made the inspection.

(7) The operator of a quarry and any person nominated by him shall be entitled to accompany the two committee members appointed under paragraph (2) who are carrying out an inspection under paragraph (4) during that inspection.

(8) Where any two committee members appointed under paragraph (2) have carried out an inspection under paragraph (4), they may make a written report of the matters ascertained as a result of the inspection and, if such a report is made, the two committee members and the operator or any person nominated by him shall sign the report.

(9) Where a written report is made, a copy of the report signed in accordance with paragraph (8) shall be posted in a conspicuous position at the quarry and kept posted there for 28 days.

Duty of employers of employees at work at a quarry

41.—(1) No employer shall employ any person to work at a quarry unless there is an operator.

(2) Without prejudice to regulation 6, where the employees of more than one employer are at work at a quarry, it shall be the duty of each employer to comply with those relevant statutory provisions which apply to the quarry.

Duty of persons at work at a quarry

42. Every person at work at a quarry shall—

- (a) to the extent of his responsibility and authority, carry out the duties allocated to him with reasonable care for the health and safety of himself and other persons who may be affected by his acts or omissions; and
- (b) comply with the rules put in place at the quarry by the operator in accordance with regulation 10.

Health surveillance

43. An employer of a person at work at a quarry shall ensure, where health surveillance under regulation 5 of the 1992 Regulations is required in respect of any work to which that person is to be assigned, that the health surveillance commences before that person begins to carry out such work.