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HEALTH AND SAFETY COMMISSION

WITHDRAWAL OF THE APPROVED CODE OF PRACTICE ON THE USE OF ELECTRICITY AT QUARRIES

**A paper by Andy Miller, Head of Section, Mines, Quarries and Explosives Policy, Major Hazards Policy, SID, Policy Group
Cleared by Mike Tonge, Head, Major Hazards Policy, SID, Policy Group,
Cleared by Giles Denham, Director, Policy Group
Cleared by Jonathan Rees – Deputy Director General (Policy)**

Issue

1. This paper proposes that the Commission should seek Ministerial consent to withdraw the Approved Code of Practice to the Electricity at Work Regulations 1989 on the “The use of electricity at quarries” (COP 35).

Timing

2. Routine

Recommendation

3. The Health and Safety Commission is asked to:

- agree the proposal to withdraw the Approved Code of Practice - COP 35;
- approve the draft letter at Annex 1, which seeks the consent of the Secretary of State to withdraw the Approved Code of Practice.

Background

4. Section 16 (5) of HSW Act requires the Commission to obtain the consent of the Secretary of State before it withdraws approval of an Approved Code of Practice.

Argument

5. There are a number of reasons why the draft ACoP should be withdrawn:
- it has become increasingly outdated. It has not kept up to date with changes in technology. Methods of electrical testing and maintenance procedures have changed;
 - it is inconsistent with the new Quarries Regulations 1999 which introduced a change in the duty structure and consolidated the requirements for a comprehensive health and safety document, drawing on the principles of risk assessment;
 - it imposes requirements on the quarrying industry that do not apply to the same equipment in similar conditions in comparable industries. This in turn requires expensive modifications to the equipment. For example, an operator

would need to spend an extra £40,000 on steel wired cables for a quarry-based coating plant compared to one on an industrial site;

- these modifications are outdated and unnecessary as they have been replaced by more modern safety measures (for instance the use of more reliable and faster acting protection systems).

6. We believe that COP 35 can be withdrawn from use, without detriment to safety standards. Issues that might have warranted ACoP status, such as inspection and maintenance schemes and permits to work, are covered in the ACoP to the Quarries Regulations 1999.

7. HSE plans to publish guidance for the industry (see Annex 2). This will supplement the guidance set out in the Memorandum of Guidance on the Electricity at Work Regulations 1989 (HS(R) 25) which provides detailed across-the-board guidance on the Electricity at Work Regulations.

Consultation

8. The proposal is endorsed by the Quarries National Joint Advisory Committee (QNJAC), which includes both employer and TU representatives. The draft guidance has been agreed by a specialist sub committee.

Presentation

9. The proposed new guidance is targeted particularly to quarry managers in the quarrying industry, but it will be especially useful to suit the needs of managers working for SMEs.

10. There will be a press release aimed at the journals covering the quarrying industry and on the HSE internet, announcing the withdrawal of the Approved Code of Practice and the publication of the new guidance.

Costs and Benefits

11. We expect that there will be savings for the industry by removing the need to modify equipment to meet the requirements of the ACoP.

12. Industry, particularly SMEs, will benefit from having simple, user friendly guidance on electrical safety in quarries.

Financial/Resource Implications for HSE

13. Costs incurred on this work to date are approximately £25,000. There are no further resource implications for HSE beyond the costs of publishing the guidance – estimated at no more than £1,000.

Environmental Implications

14. None.

Other Implications

15. Simple guidance will be of particular help to employers in SMEs, their employees and the self employed.

Action

16. The Commission is asked to agree the two recommendations at paragraph 3.

HSC/05/22 **Draft letter**
Jane Kennedy MP
Minister of State for Work
Department for Work and Pensions

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WITHDRAWAL OF THE APPROVED CODE OF PRACTICE ON THE USE OF ELECTRICITY AT QUARRIES

At its meeting on 8 February 2005, the Health and Safety Commission agreed that it should withdraw, subject to the Secretary of State's formal consent, the Approved Code of Practice on the "The use of electricity at quarries" (COP 35).

COP 35 provides quarry specific guidance on the Electricity at Work Regulations 1989 for the quarrying industry. However, much of the content has become increasingly outdated for the following reasons:

- COP 35 does not reflect the changes in technology that have taken place since it was published; Methods of electrical testing and maintenance procedures are two such areas where technological changes make COP 35 over prescriptive.
- COP 35 is inconsistent with the new Quarries Regulations 1999 and its accompanying Approved Code of Practice which introduced a change in duty structure and consolidated the requirements for a comprehensive health and safety document, drawing on the principles of risk assessment. (These documents also include information that is essential to know when dealing with electrical matters, for example, what is required for an inspection scheme and a permit to work.)
- COP 35 imposes requirements on the quarrying industry that do not apply to the same equipment in similar conditions in comparable industries. This in turn requires expensive modifications to the equipment. For example, an operator would need to spend an extra £40,000 on steel wired cables for a quarry-based coating plant compared to one on an industrial site.
- The modifications required by COP 35 are outdated and unnecessary as they have been replaced by more modern safety measures (for instance, the use of more reliable and faster acting protection systems).

Other industries with similar risks use memoranda and sector guidance to support the Electricity at Work Regulations 1989, rather than approved codes of practices. We have therefore prepared draft guidance 'Electrical safety in quarries' (text enclosed) giving practical guidance on electrical safety in higher risk areas in quarries. This includes all relevant information brought forward from CoP 35. We believe, therefore, that the 1989 and 1999 Regulations, the Approved Code of Practice "Health and safety at quarries" and the proposed new guidance 'Electrical safety in quarries' will maintain and improve the current requirements on safe use of electricity at quarries.

This proposal to withdraw COP 35 and issue the attached guidance at Appendix 1 has been agreed by the Quarries National Joint Advisory Committee (QNJAC).

I hope therefore that you will consent to the withdrawal of the Approved Code of Practice "The use of electricity at quarries" (COP 35).

Bill Callaghan.
Chair