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To
AFQ Inspectors
Specialist Group Inspectors

THE QUARRIES REGULATIONS 1999

This OC introduces the Quarries Regulations 1999 and highlights key inspection and enforcement issues.
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CONTENTS

Para	Heading
1	Introduction
2-6	Background and scope
7-13	Part I, Interpretation and general
7	Regulation 1 - Citation and commencement
8-9	Regulation 2 - Definitions
10	Regulation 3 - Meaning of a quarry
12-13	Regulation 4 - Application
14-32	Part II, Health and safety management
14	Regulation 5 - Duties of the person entitled to work the quarry
15-16	Regulation 6 - General duties of the operator
17-21	Regulation 7 - The health and safety document
22-26	Regulation 8 - Management structure
27	Regulation 9 - Training and competence

- 28-31 [Regulation 10 - Instructions, rules and schemes](#)
- 32 [Regulation 11 - Review of health and safety measures](#)
- 33-44 [Part III, Risk control](#)
- 33-34 [Regulation 12 - Inspection](#)
- 35-40 [Regulation 13 - Benches and haul roads](#)
- 41 [Regulation 14 - Rules controlling risk from vehicles](#)
- 42 [Regulation 15 - Escape and rescue facilities at the quarry](#)
- 43-44 [Regulation 16 - Barriers](#)
- 45-47 [Part IV, Additional health and safety requirements](#)
- 45 [Regulation 17 - compliance with Part IV](#)
- 46 [Regulation 18 - Permits to work](#)
- 47 [Regulation 23 - Lighting](#)
- 48-52 [Part V, Explosives](#)
- 48-52 [Regulation 24 - Application of this Part](#)
- 53-69 [Part VI, Excavations and tips](#)
- 53-56 [Regulation 30 - General duty to ensure safety of excavations and tips](#)
- 57 [Regulation 31 - Excavations and tips rules](#)
- 58-62 [Regulation 32 - Appraisal of excavations and tips](#)
- 63-66 [Regulation 33 - Meaning of 'geotechnical assessment' and operator's duties in relation to geotechnical assessments](#)
- 67 [Regulation 34 - Operator's duties in relation to excavations and tips which are a significant hazard \('notifiable' excavations and tips\)](#)
- 68 [Regulation 35 - Operator's duties in relation to excavations and tips which are not a significant hazard](#)

- 69 [Regulation 36 - Duty to keep records of substances tipped](#)
- 70-76 [Part VII, Duties of employers and participation of persons at work](#)
- 70 [Regulation 39 - Co-operation](#)
- 71-73 [Regulation 40 - Participation of persons at work](#)
- 74-75 [Regulation 41 - Duty of employers of employees at work at a quarry](#)
- 76 [Regulation 43 - Health surveillance](#)
- 77-78 [Part VIII, Miscellaneous and general](#)
- 77 [Regulation 44 - Record keeping](#)
- 78 [Regulation 45 - Notification of quarrying operations](#)

INTRODUCTION

1 The Quarries Regulations 1999 (SI 1999 No 2024) (file 693) came into force on 1 January 2000 and are supported by HSE booklet L118 *Health and Safety at Quarries - Quarries Regulations 1999 Approved Code of Practice and guidance* (file 693), and a free HSE leaflet (INDG303) *Do you work in a Quarry - A Simple Guide to the Quarries Regulations 1999* (file 694).

BACKGROUND AND SCOPE

2 The Quarries Regulations 1999 stem from HSC's Review of Regulations and apply to quarries as defined in the Regulations. They repeal:

- (1) the Mines and Quarries Act 1954 and the Mines and Quarries Tips Act 1969 Part 1 as they applied to quarries and all other quarry-specific legislation made under those Acts;
- (2) the Quarries Explosive Regulations 1988; and
- (3) and the Quarries Miscellaneous Health and Safety Regulations 1995.

Inspectors should note that the Mines and Quarries Act 1954 s.151 (fencing of quarries) (see also paras 43 and 44) and the Mines and Quarries Tips Act Part II (continued security of tips) are not relevant provisions of the Health and Safety at Work etc Act 1974 (HSW Act) and will remain enforced by local authorities (LAs).

3 The Quarries Regulations apply to all who work at a quarry and the overall responsibility for their health and safety and those of persons who may be affected by the quarry rests with the **operator** of the quarry. The operator is the person, in the legal sense, who is in overall control of the working of the quarry and is normally the company entitled to work it.

4 The Regulations fundamentally change the hierarchy of statutory health and safety

appointments and responsibilities at quarries, that was required under previous quarries legislation. The operator is now responsible for the safe design, construction and operation of the quarry. The operator has to compile a health and safety document before work is carried out at the quarry to include, amongst other things, information on risk assessments and control measures. It should also include the management structure for health and safety at the quarry. Anyone in the management structure, both on and off site, has a duty to carry out their responsibilities.

5 The Regulations emphasise worker participation. All persons who regularly work at a quarry have a right to set up a safety committee whether they are unionised or not. The rights of this committee are extensive (and reflect the poor accident and ill health record of the industry). The operator has a duty to ensure that he/she co-operates and develops health and safety measures with those who regularly work at the quarry.

6 The Regulations address quarry specific risks, such as explosives and geotechnical aspects of tips and excavations. But note that other health and safety legislation also applies to quarry work (see for example L118, para 88).

PART I, INTERPRETATION AND GENERAL

Regulation 1 - Citation and commencement

7 The Quarries Regulations came into force on 1 January 2000. The intention of reg.1 was that geotechnical appraisals should be completed by 1 January 2001 and assessments by 1 January 2002. No such transitional period was allowed for excavations. We do not propose to correct this technical omission unless it causes real problems, but inspectors should not seek to apply these requirements to excavations before the dates intended and set out in the guidance in L118 paras 291 and 305. However for tips which are currently *classified* there is no delay; these should have a current report by a geotechnical specialist. A report under the Mines and Quarries (Tips) Regulations 1971 regs.9 or 12 is taken as a valid report provided it is not more than 2 years old.

Regulation 2 - Definitions

8 The Quarries Regulations reg.2 sets out the interpretation of terms; inspectors should in particular note the definitions of: *operator, competent, shot firing operations, misfires and geotechnical specialist.*

9 In most cases a company will be the *operator* of a quarry, though it could be another legal entity such as an individual (but note that a company cannot appoint an employee as the operator).

Regulation 3 - Meaning of a quarry

10 Under reg.3 a quarry is a system of excavations, or reclamation site, or disused tip used for the extraction of minerals. It does not include excavations worked for construction activities which are used on the site from which they are extracted, or railways which are run by a railway company.

11 The purpose of the Regulations is to have adequate management control of the whole of the quarry site. So, although the Regulations address quarry-specific risks, they also apply to the buildings, structures and works occupied for the purpose of working the quarry. Where a site contains a quarry *and other industrial processes* some companies may choose to work under the Regulations for the whole site, whilst others may choose to mark out the

quarry area for application of the Regulations. In the latter case a plan should be drawn to show the relevant areas. For example, a brickworks at a quarry should not normally be treated as part of the quarry, as regards application of the Regulations.

Regulation 4 - Application

12 The Regulations do not apply to a quarry which has not worked for 12 months or where a notification that working has ceased has been given to the HSE within that period. Neither do they apply to a quarry (or part of) which is being used exclusively by a person for a work activity unconnected with the extraction of minerals, or preparation for sale of minerals, unless that work is in preparation for abandonment of the quarry.

13 The Regulations apply to self-employed persons as they do to employers and that a self-employed person is both an employer and a person at work. Regulation 41 states that no employer may employ a person at work unless there is an operator. Thus, even though there is only one person at work there has to be an operator who may be that person.

PART II, HEALTH AND SAFETY MANAGEMENT

Regulation 5 - Duties of the person entitled to work the quarry

14 The person who is entitled to work the quarry is the operator, but he/she may appoint in writing another suitable person to be the operator, in which case he/she will no longer be the operator (but may still retain responsibilities under HSW Act). In such circumstances the first person must supply the second with any relevant information which may affect the health and safety of persons at work at the quarry. It is particularly important that geotechnical information is passed on in such cases. This has not always happened in the past, eg in the coal industry.

Regulation 6 - General duties of the operator

15 The operator's duty is to protect the health and safety of persons at work at the quarry, through the proper design, construction, equipping, commissioning, operation and maintenance of the quarry and associated plant. However, the duty also extends to others, including people working there who are not his/her employees and members of the public. The operator has to co-ordinate all the measures that are needed to achieve this standard, including leaving the quarry in a safe state when it is abandoned. This general requirement is prefaced by so far as is reasonably practicable but subsequent regulations are not.

16 This is the underpinning requirement of the Regulations. It is intended to secure a co-ordinated, proactive approach to the management of health and safety at the quarry. The guidance in L118 para 35, outlines matters that may need to be addressed in this respect and inspectors should consider enforcement action if this regulation is not complied with.

Regulation 7 - The health and safety document

17 Whilst this should not be a bureaucratic exercise, inspectors should insist on an adequate and up-to-date health and safety document being provided and available at the quarry. Without this document it will not be possible for the operator to demonstrate that he/she has carried out adequate risk assessments and that control measures, eg relating to design, use and maintenance, are in place to safeguard those who work at the quarry or who could be affected by the operation. It is an absolute requirement.

18 The quarry may not be worked without an adequate document having been prepared. Note that reg.8 requires the operator to establish a suitable management structure to allow the quarry to be operated in accordance with the health and safety document ([see also paras 22-26](#)).

19 Regulation 7(4) requires the operator to ensure that all measures identified in the health and safety document are carried out. Regulation 7(5) requires all persons in the management structure to carry out the duties assigned to them in the document so as to protect persons at work at the quarry. Appropriate enforcement may be taken against any person in the management structure should they fail in their duties (compare this with reg.42 which is restricted to persons who work at the quarry). The overall duty remains with the operator.

20 L118 paras 56-57 gives guidance on items that might form part of the document. It may be a portfolio of documents, provided it is easily read, and must be made available to all those who work at the quarry and employers.

21 Workers who form a committee under reg.40 have the right to review the document and make suggestions as to how the risk assessment and control measures may be changed. If the operator does not agree with them he/she has to give his/her reasons in writing which will then be displayed at a suitable place for 28 days.

Regulation 8 - Management structure

22 The operator has to ensure that the management structure enables the quarry to be operated in accordance with the health and safety document, and that the extent of the authority and duties of the persons in the structure is recorded. The structure should identify those who have influence on the health and safety of that quarry and should therefore show the relevant organisation from the board room down. It should specify the duties and authorities of all of those listed and should include the role of the service departments, including safety, geotechnical, personnel, engineering, transport etc. It is an offence if people specified in the structure do not carry out their duties.

23 A competent individual has to be appointed to take charge of the quarry when persons are working. See also reg.8(5) which states that the competent person in charge is subject to the overall control exercised by the operator. The Regulations do not make clear whether the person in control has to be on site, but reg.8(1)(c) states that when this person is not readily available a competent person is **nominated** to hold the authority and perform the duties of the first named person. Inspectors should note that co-ordination of health and safety on site is the key issue. It may be that one person can be in charge of several quarries, or that one person is appointed to take overall charge of one complex quarry. One quarry could be divided into several 'quarries' but this would not be in the spirit of the Regulations and would require extra emphasis on how the roles of each individual would be co-ordinated.

24 That a sufficient number of competent persons should be appointed to manage the quarry safely suggests that there may be more than one appointment. It also raises the question of competence for management. No competence levels such as NVQs are specified in the Regulations, though they may be encouraged (the definition of *competence* is set out in reg.2 and the overall requirement in reg. 9).

25 The duties and authority of persons listed in the management structure of the health and safety document have to be communicated to those persons. The operator is obliged to review the management structure. Unlike the previous system HSE does not need to be

notified of the management appointments for any quarry.

26 The requirement to establish a management structure completely replaces all previous appointments (as required by previous legislation). Any enforcement should concentrate on the suitability of the management structure, and the clear setting out of the duties and authority, especially in cases where the old system continues to be used. Quarry operators now have the flexibility to provide a management structure to suit their own organisation and site needs.

Regulation 9 - Training and competence

27 Training is generally poor in the industry. Many operatives have literacy problems, and/or have received limited training to fulfil the roles required of them. Inspectors should encourage the current initiatives in lifetime learning, competence, and worker participation in health and safety, for the work force, supervisors and managers.

Regulation 10 - Inspections, rules and schemes

28 The operator has a duty to ensure that rules are in place to secure the health and safety of those persons identified in the health and safety document, ie all who work at the quarry and the public, and the safe use of equipment. Any such rules, schemes, and instructions have to be given to and be comprehensible to those who work at the quarry and on whom they impose a duty. This latter point is crucial in an industry with low literacy levels. It is important that the rules are not just written down and issued; reg.10(c) requires the operator to take all reasonable steps to ensure that each person on whom they impose a duty understands them.

29 The operator has, so far as is reasonably practicable, to ensure that the rules, schemes and instructions are followed or complied with by persons who work at the quarry. Regulation 42 places a corresponding duty on those who work at the quarry to obey the rules etc.

30 The rules etc are the practical procedures through which the measures identified in the health and safety document are to be implemented. **They are not just a list of do's and don'ts for the workforce.** They express how the hazards/risks are managed at the quarry on a practical, routine basis and as such complement the general management of the site. They may be reviewed by the committee set up under reg.40. Inspectors should pay close attention to the rules and to the comments made under reg.40 ([see also paras 71-73](#)). Separate regulations require rules on vehicles, explosives and excavations and tips, but they are all based on the requirements of reg.10 and should be read in conjunction with it.

31 Where rules are found not to have been implemented or updated then formal enforcement action may need to be considered by inspectors.

Regulation 11 - Review of health and safety measures

32 The review of health and safety measures in the quarry industry is notoriously poor. This is surprising since it is an industry that has required daily inspections of the quarry and its plant from the earliest legislation. Unfortunately problems are not always identified at the quarry, or if they are they may not be put right. If management of quarries is to improve, inspectors must insist on an active approach to reviewing their control measures and take enforcement action where it is seen that review measures are ineffective.

PART III, RISK CONTROL

Regulation 12 - Inspection

33 Regulation 12 requires that operators prepare and keep up to date a suitable written scheme for the systematic inspection and maintenance of the quarry, and its plant and buildings. The scheme is a key part of the operator's monitoring system which demonstrates how the health and safety document and the rules made under it actually work in practice. The scheme should include the inspection and maintenance procedures required under other regulations. Care should be taken with regulations such as the Provision and Use of Work Equipment Regulations 1998 (PUWER 98), which are employer based, as opposed to the workplace base of the Quarries Regulations. L118 paras 88-105 give details of the requirements. Inspectors should note the proposed removal of the current ACoP on electrical safety.

34 The Mines and Quarries 236 daily inspection book, required under previous legislation, is now redundant and where inspectors find it in use for recording inspections then formal enforcement should be considered.

Regulation 13 - Benches and haul roads

35 Inspectors should note that the Workplace (Health, Safety and Welfare) Regulations 1992 (Workplace Regulations) reg.17 apply to traffic routes throughout the quarry, whereas reg.12 only applies to traffic routes inside buildings at quarries. The Quarries Regulations do not define benches and haul roads. However a bench should be taken in its normal usage, ie to be a working area of a tip, or excavation. Effective measures have to be taken by the installation of barriers etc to prevent vehicles accidentally leaving any haul road or bench. Paragraph 110 of L118 describes the circumstances when adequate edge protection must be provided: where there is a drop, lagoon or other hazard which would put the driver or others at significant risk if the vehicle left the bench or roadway. The guidance linked to reg.31 in L118 (para 281) on excavations and tip rules, also refers to edge protection.

36 Regulation 13 should be read in conjunction with: reg.6 (general duties on design and construction), reg.7 (health and safety management), regs.10 and 14 (vehicle rules), regs.30-37 (excavations and tips) and reg.40 (worker participation).

37 Minimum dimensions are given in the guidance for edge protection. The size of the edge protection may need to be more substantial where the risk of a vehicle leaving the roadway is high. For example at the bottom of ramps or bends it may require to be higher or thicker than the dimensions given.

38 Edge protection should not be confused with blocks of stone or windrows installed to demark or direct traffic on traffic routes. Maintenance of edge protection is a continual problem at quarries. Small gaps or drains may be installed to ensure drainage of the roads.

39 Lack of, or grossly inadequate, edge protection where there is a significant chance of a vehicle leaving the roadway and falling a significant distance will normally warrant a prohibition notice (PN).

40 Roads and edge protection must be adequately maintained and there is no excuse for vehicles to be travelling in ruts or waterlogged routes.

Regulation 14 - Rules controlling risk from vehicles

41 The rules should cover the practical management of vehicles at quarries. It should

embrace all of the relevant general legislation covering the suitability and use of vehicles. Regulation 14 should be read in conjunction with regs.7 (health and safety document) and 10 (general rules) plus PUWER 98 and the Workplace Regulations.

Regulation 15 - Escape and rescue facilities at the quarry

42 The provision of adequate means of escape and rescue facilities will depend on the risks on site. A second means of egress may be needed from staffed points on some designs of coating plants, eg where there is danger of persons being trapped by fire.

Regulation 16 - Barriers

43 Inspectors should note that the Mines and Quarries Act 1954 s.151 also applies to fencing quarries whether working or abandoned. This is not a relevant provision of HSW Act and is enforced under the Environmental Protection Act 1990 by LAs. It applies to working and abandoned quarries but is limited to falling into the quarry from a place of public resort. Thus it will only be applied by an LA if there is a road or public right of way (or other means of access such as common land) giving access to the quarry by the public.

44 Regulation 16 was included because of concern that quarries which do not fall into the definition of the 1954 Act can also be a danger to the public. The type of barrier needed will depend on the history and probability of public access to the quarry and may range from a hedge or ditch to a metal palisade fence. Inspectors should check the provision of a barrier and should use their discretion as to what constitutes an appropriate barrier. These barriers must be maintained and should form part of the inspection scheme (reg.12).

PART IV, ADDITIONAL HEALTH AND SAFETY REQUIREMENTS

Regulation 17 - Compliance with Part IV

45 Regulations 18-23 only apply where there is a specific risk and this depends on the nature and circumstances of the work.

Regulation 18 - Permits to work

46 There is considerable confusion within the quarry industry between a permission to work and a permit to work. Permits to work are explained in detail in L118 paras 143 -158, but where an effective isolation procedure is used there will be few occasions when they should be used. Inspectors should explain the importance of permits to work and ensure that the systems used at quarries do not devalue its principles.

Regulation 23 - Lighting

47 General lighting considerations are dealt with by the Workplace Regulations. Lack of lighting has been a contributory factor in many quarry injuries. While many quarries do not work 24 hours a day, even single shift quarries in winter will work in hours of darkness. Inspectors should ensure that lighting is sufficient for the tasks being undertaken.

PART V - EXPLOSIVES

Regulation 24 - Application of this Part

48 The use of explosives still poses a significant hazard in quarry work. That there are not

more serious incidents is due to the control measures that have developed in the industry over the last 100 years and it is important that inspectors continue to apply rigorous safety standards to this type of work.

49 The duty to comply with the Quarries Regulations is placed on the operator. The way in which explosives are safely managed/controlled should be set out by the operator in the management structure (reg.8) and the health and safety document (reg.7). The concept of an explosive supervisor to oversee the safe use of explosives on the site is introduced. Who this is, is not set out, because it may be the operator, one of his/her employees, or a sub contractor. Inspectors should ensure that the duties are set out in the management structure which is part of the health and safety document and that they report to the person in charge of the quarry if they are not the same person.

50 It is the operator's duty to ensure that an adequate written specification is prepared. Again, who prepares and signs the specification is not specified; this should be set out in the health and safety document. The explosives supervisor should check that the site conditions match those of the specification.

51 L118 Appendix 2 sets out the requirements of the blasting specification. Inspectors should note the modifications that have been made, particularly the emphasis on the correlation of information gained from profiling, borehole orientation, and identification of discontinuities within the rock mass. Inspectors should also note the relationship between the blasting specification and the design of the excavation, and the information that the health and safety document should hold which is relevant to both the appraisal/assessment and the blasting specification. This is very important and where any defects are found in the blast specification a PN may be appropriate for the operator.

52 Visibility at the site of the blast is a new requirement. It replaces the old time limits of one hour before and after sun rise/set and also allows for changing conditions such as a fog. Inspectors should check that the guidance in L118 paras 246-248 is followed. In recent years, fatalities, major injuries and near misses have resulted from shotfiring activities being carried out without adequate visibility.

PART VI - EXCAVATIONS AND TIPS

Regulation 30 - General duty to ensure safety of excavations and tips

53 Tips and excavations have to be designed, constructed, operated and maintained to ensure that instability or movement which is likely to give rise to health and safety risks of any person is avoided. The operator's duty is not qualified. He/she has to have a design for all tips, know how they were constructed, and ensure safe operation and maintenance. The Regulations cover all tips which now include stockpiles, lagoons etc, and excavations. The design requirement for quarries is not new and inspectors should ensure that adequate designs exist.

54 Inspectors should ensure that this regulation is complied with, considering enforcement action where appropriate.

55 Regulation 30 accepts that some movement is inevitable with the process of tipping or excavation. This movement should be taken account of in the design and must not put persons at risk. This is intended to cover the movements associated with stockpile recovery, for example when loading with a mechanical loader or recovery tunnel. It is not intended to allow the movement of tips through, for example, failure of foundations, excess pore water pressure due to speed of tipping or failures of faces of excavations.

56 All tips and excavations must conform to reg.30 from 1 January 2000. The lead in time for appraisals and assessments does not affect this regulation, and inspectors should ensure that the operator conforms to this regulation and that no tip or excavation is unsafe.

Regulation 31 - Excavations and tips rules

57 The excavation and tip rules represent the practical management of tips and excavations. The requirements go further than the rules required under the Mines and Quarries (Tips) Regulations 1971. They represent how the design, construction, operation and maintenance are put into practice. L118 paras 276-283 provide extensive information on this and inspectors should ensure that all relevant aspects of the hazard are covered by the operator in his/her rules and that these requirements are understood by site personnel.

Regulation 32 - Appraisals of excavations and tips

58 The appraisal should be a straight forward process. However to carry out the appraisal it is necessary to know what the design, method of construction, operation and maintenance of the structure is or was. L118 paras 258-263 gives details. Paragraph 263 states that design and site information needs to be reviewed as part of the initial appraisal and much of the information required for a new design is needed to complete the appraisal satisfactorily. This information is set out in schedule 1. With this information a competent person can carry out the appraisal. Without the information an assessment will be needed to decide if the structure is a significant hazard.

59 Inspectors should note that at this stage the Quarries Regulations only address the significant hazard and the consequences of any such failure, that is the potential for failure not the likelihood of failure taking place. Consequences will depend on the size of the failure and area affected, and whether people are likely to be injured. Categories which must be treated as a significant hazard are set out in terms of height or area of the structure. But irrespective of this criteria other factors such as geology, proximity of a tip to an excavation or of an excavation to a tip may also make it into a significant hazard.

60 Where a significant hazard is identified or the outcome of the appraisal is uncertain then an assessment by a geotechnical specialist will need to be made.

61 The appraisal does not have to be completed until 1 January 2001. For tips that were classified under the Mines and Quarries (Tips) Regulations there is no lead in time and an assessment will be needed when the reg.9 or 12 report expires. For other tips and excavations an assessment has to be carried out by 1 January 2002 where a significant hazard has been identified by the appraisal. Inspectors should remember that there is no lead time for the tip or excavation to be safe.

62 A number of proprietary methods of carrying out an appraisal are being developed in the industry and inspectors should be certain that they adequately cover the requirements of the Regulations. The competent person carrying out the appraisal should be able to demonstrate an understanding of how the structure they are assessing may fail and the importance of control measures. The appraisal will have to be reassessed at suitable intervals; these are not stated in the Regulations but the interval must be recorded in the health and safety document.

Regulation 33 - Meaning of 'geotechnical assessment' and operator's duties in relation to geotechnical assessments

63 The *geotechnical assessment* has to consider all factors which affect the stability and

safety of a proposed or existing excavation or tip. Schedule 1 sets out the broad list of items that should be addressed. Inspectors should use this list to ascertain whether the assessment has considered all relevant factors. If they are uncertain as to the adequacy of the assessment they should contact the Sector. Note that the schedule requires plans and cross sections for the whole quarry.

64 The assessment will identify the structures which will affect the safe working of the quarry and these will be relevant to the safe use of explosives particularly the blasting specification and L118 Appendix 2.

65 Inspectors should insist that the factor of safety or probability of failure has been calculated and the sensitivity of this to changing circumstances such as changing water conditions or characteristics of the materials have been properly considered. Where low factors of safety are found then justification of the value of the parameters used becomes more important. Typically, factors of safety for temporary slopes should not be below 1.3. If they are, the justification for the confidence in the parameters used will need to be demonstrated, eg by monitoring phreatic surfaces with piezometers, measuring movement etc.

66 Regulation 2 defines the *geotechnical specialist*.

Regulation 34 - Operator's duties in relation to excavations and tips which are a significant hazard ('notifiable' excavations and tips)

67 Tips and excavations where an assessment has concluded that there is a significant hazard are notifiable to HSE and will require reassessing as a minimum every 2 years. There is no prescribed form, but the details set out in reg.37 should be met.

Regulation 35 - Operator's duties in relation to excavations and tips which are not a significant hazard

68 If the geotechnical specialist decides that the structure is not a significant hazard, then the operator must ensure that the geotechnical specialist specifies the intervals at which the structure is reappraised by a competent person. Where this structure has previously been subject to an assessment every 2 years then under reg.37 HSE must be notified. Note that it is not a requirement to notify HSE if there was not a previous assessment made.

Regulation 36 - Duty to keep records of substances tipped

69 The method of keeping the records is not specified. It is normal to keep a record of volume/m³ each week. This is normally calculated as number of vehicle loads multiplied by capacity, or the percentage discard from treated material in the case of liquid tips.

PART VII - DUTIES OF EMPLOYERS AND PARTICIPATION OF PERSONS AT WORK

Regulation 39 - Co-operation

70 The Regulations are premises-based and it is important that all employers and every person at the quarry co-operate with the operator to comply with the relevant statutory provisions. The duty extends that of the Management of Health and Safety at Work Regulations 1992 (MHSW Regulations) regs.9 and 10 (now MHSW Regulations 1999 regs.11 and 12).

Regulation 40 - Participation of persons at work

71 The involvement of persons at work in health and safety is vital. Research shows that where active safety representatives are used the injury rate is 50% lower than the industry average. This regulation requires the operator to make and maintain arrangements to co-operate effectively with persons who work regularly at his/her quarry to promote and develop measures to ensure the health safety and welfare of employees. This requirement was inserted at the specific request of industry.

72 The extensive rights given to persons working at a quarry apply whether they are in a trade union or not. Inspectors should encourage the workforce to use their rights to the full. Where there are no unions it may not be possible to encourage the workforce because of fear of recrimination. Where workers do not set up committees inspectors should encourage the employer to take the initiative. This is a way that they can show that they co-operate effectively. Inspectors should consider enforcement action where inadequate action has been taken. Advice may be sought from the Metals and Minerals Sector if necessary.

73 Inspectors should note that reg.40 applies to all persons who work regularly at the quarry. Thus lorry drivers, contractors, explosive personnel etc should all be involved. Inspectors should continue to ensure that they involve the workforce at each inspection.

Regulation 41 - Duty of employers of employees at work at a quarry

74 No employer (or self-employed person) should employ any one unless there is an operator. In a one-person operated quarry that may be that person.

75 While the operator is responsible for the overall health and safety at the quarry employers (and self-employed) still have to comply with any relevant statutory provisions that applies to the quarry, for example PUWER, Control of Substances Hazardous to Health Regulations 1999 etc.

Regulation 43 - Health surveillance

76 Where health surveillance under MHSW Regulations 1992 reg.5 (now MHSW Regulations 1999 reg.6) is required, it has to be undertaken before the exposure takes place.

PART VIII - MISCELLANEOUS AND GENERAL

Regulation 44 - Record keeping

77 There are no longer any statutory forms for quarries. Records should be kept in any appropriate way. Guidance is given in L118 para 347, on what records the various regulations require. Inspectors should note that the reference to appointments of managers, supervisors etc in reg.8(1)(d) should read 8(1)(e).

Regulation 45 - Notification of quarrying operations

78 Inspectors and administrative staff should note that there is no longer any statutory form to notify HSE of any information. Existing HSE forms M&Q 213, *Notification of the beginning or ending of quarrying operations*, and M&Q 219(T), *Notification of a classified tip*, should be kept in the files until superseded by further notifications. The guidance in L118 para 349-354, provides the details required for the opening and other changes at

quarries.

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