SAFETY, HEALTH AND WELFARE (QUARRIES)

1958 No. 1533

The Gravel and Sand Quarries (Overhanging) (Exemption) Regulations, 1958

Made - - - -	11*th September*, 1958
Laid before Parliament	18*th September*, 1958
Coming into Operation	19*th September*, 1958

Whereas a requirement is imposed by subsection (2) of section one hundred and eight of the Mines and Quarries Act, 1954(a) (hereinafter referred to as "the Act") that every manager of a quarry shall secure that, in no part of the quarry to which his jurisdiction extends, shall the face or sides of the quarry or any gallery thereon be so worked as to cause any overhanging:

And Whereas the Minister of Power is satisfied with respect to the class of quarries hereinafter specified that, having regard to the system of working quarries of that class and the natural condition of the minerals thereof, fulfilment of that requirement is unnecessary to secure the safety of persons employed thereat:

Now, therefore, the Minister in pursuance of the powers conferred upon him by section one hundred and forty-one and the said section one hundred and eight of the Act and of all other powers him enabling hereby orders that the following regulations shall have effect:—

Commencement and citation

1. These regulations shall come into operation on the nineteenth day of September, nineteen hundred and fifty-eight, and may be cited as the Gravel and Sand Quarries (Overhanging) (Exemption) Regulations, 1958.

Interpretation

2.—(1) In these regulations the following expressions have the meanings hereby respectively assigned to them, that is to say—

"the Act" means the Mines and Quarries Act, 1954;

"exempted area" has the meaning assigned thereto in regulation four; and

"safety rules" has the meaning assigned thereto in regulation five.

(2) Expressions to which meanings are assigned by the Act or by these regulations shall (unless the contrary intention appears) have the same meanings in any document issued under the provisions of these regulations.

(3) The Interpretation Act, 1889(b), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Application

3. These regulations shall apply to every quarry of the following class, that is to say, the class of quarries of gravel or sand in which all or some of the mineral is normally got from under water.

(a) 2 & 3 Eliz. 2. c. 70. (b) 52 & 53 Vict. c. 63.

Exemption

4. Subject to the provisions of these regulations, every part of any quarry to which these regulations apply, being a part in which gravel or sand is normally got from under water, is exempted from the aforesaid requirement imposed by subsection (2) of section one hundred and eight of the Act, and in these regulations " exempted area " means such a part.

Safety rules

5.—(1) For the purpose of securing the safety of all persons employed at any quarry to which these regulations apply the manager of the quarry or, where there are two or more managers, every manager having jurisdiction over any part of the quarry in or adjoining which there is an exempted area shall make rules (in these regulations referred to as " safety rules ") applicable to the quarry or the part of the quarry to which his jurisdiction extends (as the case may require), being rules for regulating the conduct of the persons employed at the quarry or at that part of the quarry for the purpose of securing that no such person is at any time in any danger from any fall from any overhanging face or side of the quarry, and in particular, but without prejudice to the generality of the foregoing words, the rules shall specify a suitable system to secure the posting of notices, giving warning of danger from falls, in such characters and in such positions as to be easily seen and read by persons approaching any such overhanging face or side.

(2) It shall be the duty of the manager or every manager who has made safety rules (as the case may be) to secure that the provisions of the relevant safety rules are executed and enforced.

(3) A safety rule which is inconsistent with the provisions of any regulation shall, to the extent of the inconsistency, be of no effect.

(4) If an inspector is of opinion with respect to any safety rules that provision ought to be made for any matter for which provision is not for the time being made by such rules or that different provision ought to be made by such rules for any matter for which provision is for the time being made by such rules, he may serve on the manager concerned a notice stating that he is of that opinion, specifying the matter for which, in his opinion, provision or, as the case may be, different provision ought to be made as aforesaid and the nature of the provision that, in his opinion, ought to be made, and requiring that manager to amend the rules accordingly and any such notice shall, if it is so specified therein, become operative forthwith.

(5) The provisions of Part XV of the Act with respect to references upon notices served by inspectors shall apply to a notice served under the last preceding paragraph and the relevant ground of objection to such a notice shall be that the provisions contained in the relevant rules are adequate to secure the safety of all persons employed at the quarry or at the relevant part of the quarry in relation to any overhanging face or side of the quarry.

(6) Without prejudice to the generality of the provisions of section one hundred and thirty-five of the Act, a copy of any safety rules for the time being in force shall be kept at the office at the quarry, and a copy of the relevant rules shall be supplied to every person employed thereat or, where there are two or more managers of the quarry, to every person employed in a part of the quarry with respect to which safety rules are for the time being in force.

Safety barriers

6. It shall be the duty of the manager of every quarry to which these regulations apply or, where there are two or more managers, every manager having jurisdiction over any part of the quarry in which there is an exempted

area, to secure that, with respect to any overhanging face or side of the quarry or of the part of the quarry to which his jurisdiction extends (as the case may be) effective precautions are taken by fencing, the posting of notices or otherwise to prevent any person from accidentally gaining access to any ground which, by reason of its being above or near that overhanging face or side, may be liable to fall.

Dated this eleventh day of September, nineteen hundred and fifty-eight.

Mills,
Minister of Power.

EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport.)

These regulations, made by the Minister of Power under the Mines and Quarries Act, 1954, apply to every quarry of gravel or sand in which any of the mineral is normally got from under water, and, in relation to every such quarry, exempt every part in which gravel or sand is normally got in this way from the requirement (contained in s. 108 (2) of the Act) that the appropriate manager must secure that no part of the quarry to which his jurisdiction extends is worked in such a way as to cause overhanging.

The regulations also provide that the manager or managers of the quarry (as the case may require) shall make and secure the enforcement of rules to secure that no person employed at the quarry is at any time in any danger from any fall from any overhanging face or side of the quarry. In particular, the rules must specify a suitable system to secure the posting of warning notices. It is also provided that an inspector may, by notice served on the appropriate manager, require such addition or amendment to be made to any of the rules as he considers necessary.

Under regulation 6, effective precautions must be taken to prevent any person from accidentally gaining access to any ground which may be liable to fall by reason of its being above or near an overhanging face or side of the quarry.

1958 No. 2110

The Quarries (Ropeways and Vehicles) Regulations, 1958

Made - - - -	11*th December,* 1958
Laid before Parliament	18*th December,* 1958
Coming into Operation	1*st January,* 1959

The Minister of Power in pursuance of the powers conferred upon him by sections one hundred and forty-one, one hundred and forty-three and subsection (1) of section one hundred and ten of the Mines and Quarries Act, 1954(a) (hereinafter referred to as " the Act "), and of all other powers him enabling hereby orders that the following regulations shall have effect:—

Commencement and citation

1. These regulations shall come into operation on the first day of January, nineteen hundred and fifty-nine and may be cited as the Quarries (Ropeways and Vehicles) Regulations, 1958.

(a) 2 & 3 Eliz. 2. c. 70.