

Quarries Legislation



Quarries National Joint Advisory Committee (QNJAC)

General Series

Information Sheet GS5

January 2014

Guidance on Quarry Specific RIDDOR Requirements

***(RIDDOR: Reporting of Injuries, Diseases and Dangerous Occurrences
Regulations 2013)***

This information sheet has been developed by the Quarries National Joint Advisory Committee (QNJAC) to help quarry operators, contractors, managers and others make health and safety improvements in the quarry industry. This guidance represents good practice, which may go further than the minimum you need to do to comply with the law

Approved by the Quarries National Joint Advisory Committee (QNJAC)
(Version 2: 10 January 2014)



Guidance on Quarry Specific RIDDOR Requirements

*This information sheet is intended to assist the quarrying industry in its understanding of the quarry specific requirements contained in the Reporting of Injuries Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR). These requirements are **in addition** to the rest of RIDDOR, which remains in force at quarries.*

1. **Responsible person** – this is the Quarry Operator (see Regulation 3). They must notify HSE and keep records of incidents reportable under RIDDOR.

For fatal injuries, specified non-fatal injuries and dangerous occurrences the responsible person must also notify the Nominated Person (see below) by the quickest practical method (see Schedule 1, Part 1).

2. **Appropriate person** – this is either the Quarry Operator (as the Responsible Person) or someone appointed in the management structure to undertake the duties of the Appropriate Person under RIDDOR. This is often the individual appointed to take charge of operations under Regulation 8(1)(c) of the Quarries Regulations 1999 (QR), but you could appoint any other suitable person who is in the management structure if you wish, such as the safety advisor.

The Appropriate Person is also under a duty to notify the Nominated Person (see below) – or someone else nominated in writing by a nominated person to receive such notification - of any intended disturbance of the incident site (in the case of non-fatal accidents or dangerous occurrences this is subject to whether they can be contacted within a reasonable time).

3. **Nominated person** – this is the person (if any) who has been nominated by the Trade Union (if there is one) or some other body representing the majority of the workforce (eg workforce health and safety committee) (see Regulation 2). If there is more than one union or representative body, which together represent the majority of the workforce, then the Nominated Person will be appointed jointly by those organisations. The Nominated Person receives, on behalf of employees, notifications of certain incidents from the Responsible Person and must be given reasonable opportunity by the Appropriate Person to visit the site before it is disturbed (see below).
4. **Site Disturbance** – where there has been a reportable incident under regulation 4, 5, or 6 of RIDDOR, the site where it happened must not be disturbed or anything tampered with until:

- an Inspector and a workforce inspector (exercising his rights under QR Regulation 40) have visited the site **or**
- 3 clear days have expired since the matter was notified, **or**

- an Inspector has consented to it

UNLESS NECESSARY TO SECURE THE SAFETY OF THE QUARRY OR ANY PERSON, OR

THE APPROPRIATE PERSON HAS:

- taken adequate steps to ensure that disturbing the site is unlikely to prejudice any investigation and it is necessary to secure safety or to avoid disrupting normal working and;
- informed the Nominated Person (or his substitute) of the proposed disturbance and gives that person a reasonable opportunity to visit the site before it happens (except where it is a non-fatal accident or dangerous occurrence, and contact cannot be made with the nominated person within a reasonable time); and
- Taken adequate steps to ensure that sufficient information is obtained for an accurate plan of the scene to be prepared without delay, clearly showing where everything was just after the incident. The plan must be signed by the person who prepared it, show the date it was produced and be given to an inspector and the nominated person on request. The request may be put in writing for reasons of clarity but need not be; and
- Ensured that any item or equipment relevant to the incident is kept as it was just after the incident until an Inspector agrees it can be disposed of.

The scene must not be disturbed unless all of the criteria summarised above have been met. It is recommended that you liaise with the local Quarries Inspector, particularly if you have concerns that meeting the above requirements would not be in the interests of safety.

5. Copies of the RIDDOR notification form (or at least the same information) must be kept and made available to the Nominated Person or workforce representative on request.
6. Appendix 1 shows a Reporting Procedure flow chart (reproduced and amended for QNJAC by kind permission of Hanson UK Ltd), which may be of assistance.

Quarry Specific Dangerous Occurrences (DOs) in Schedule 2, Part 3

7. In addition to the DOs that are reportable by most of industry, which are set out in paragraphs 1 – 27 of Schedule 2 to RIDDOR (Parts 1 & 2), a number of DOs are reportable only in relation to quarries. These quarry-specific DOs are set out in Part 3 of the Schedule (paragraphs 47 – 53) and are listed below, together with the relevant RIDDOR paragraph number. Most are self-explanatory, however additional guidance is given on types 49, 50, 51 and 52. In cases of doubt, the requirements of Schedule 2 should be checked:
 - 47 – Collapse of a storage bunker
 - 48 – Sinking of any water borne craft or hovercraft

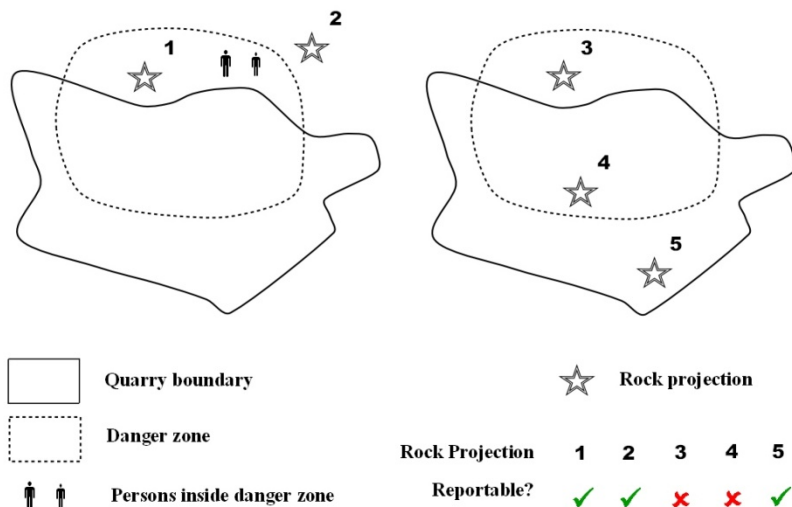
- 49 – Incidents where any substance is projected beyond the designated danger zone during a blast, OR where anyone either was or might have been injured by the projected material (whether inside or outside of the designated danger zone).
- 50 – Misfires as defined by the Quarries Regulations 1999
- 51 – Any event which indicates that a tip (to which the QR apply) is or is likely to become insecure. Note: This includes where a tip becomes, or might well become, insecure because of fire.
- 52 – Movement or failure of excavated slopes or faces having the potential to cause the death of any person or adversely affecting (among other things – see below) any building, area of public access or adjoining land.
- 53 – Explosion or fire in a large vehicle or mobile plant (dumper over 50t capacity or excavator over 5m³ bucket capacity) that prevents it from being used for more than 24hrs **and** affects either a place where people normally work or an exit route from such a place.

8. Type 49 - Rock and other projections

The danger zone established for a blast may extend beyond the quarry boundary. If rock, for example, projects beyond the boundary but within the designated danger zone, provided no person was within the danger zone (the danger area must be properly controlled) then no one will have been at risk. As a result, the reportability criteria will **not** have been met and the event **is not** RIDDOR reportable.

If, however, the same circumstances apply but somebody was inside the danger zone at the time of the blast, even if they were not injured, the reportability criteria **will** have been met and the event **is** RIDDOR reportable.

If rock or any other substance is projected outside of the designated danger zone, then the event will be reportable



9. **Type 50** – Quarry Misfire

It is important to ensure that the correct Dangerous Occurrence code is used for quarry misfires, as there is another code (06 - Explosives) which is often confused with the quarry misfire code of 50.

10. **Type 51** – Insecure Tip

A tip does not have to actually become insecure to be reportable under this heading. So long as there are indications that it is likely to become insecure (for any reason, this includes any movement of material or any fire), then it is reportable. It is also reportable if it has actually become insecure.

This category is concerned only with insecurity of the tip, not whether that insecurity poses a danger.

‘Tip’ includes lagoons and stockpiles as well as traditional tip.

11. **Type 52** – Movement of Slopes or Faces

To be reportable under this heading, the instability must have:-

- a) the potential** to cause the death of any person; **or**
- b) have affected** any building, adjoining land, transport system, footpath, public utility or service, watercourse, reservoir or area of public access.

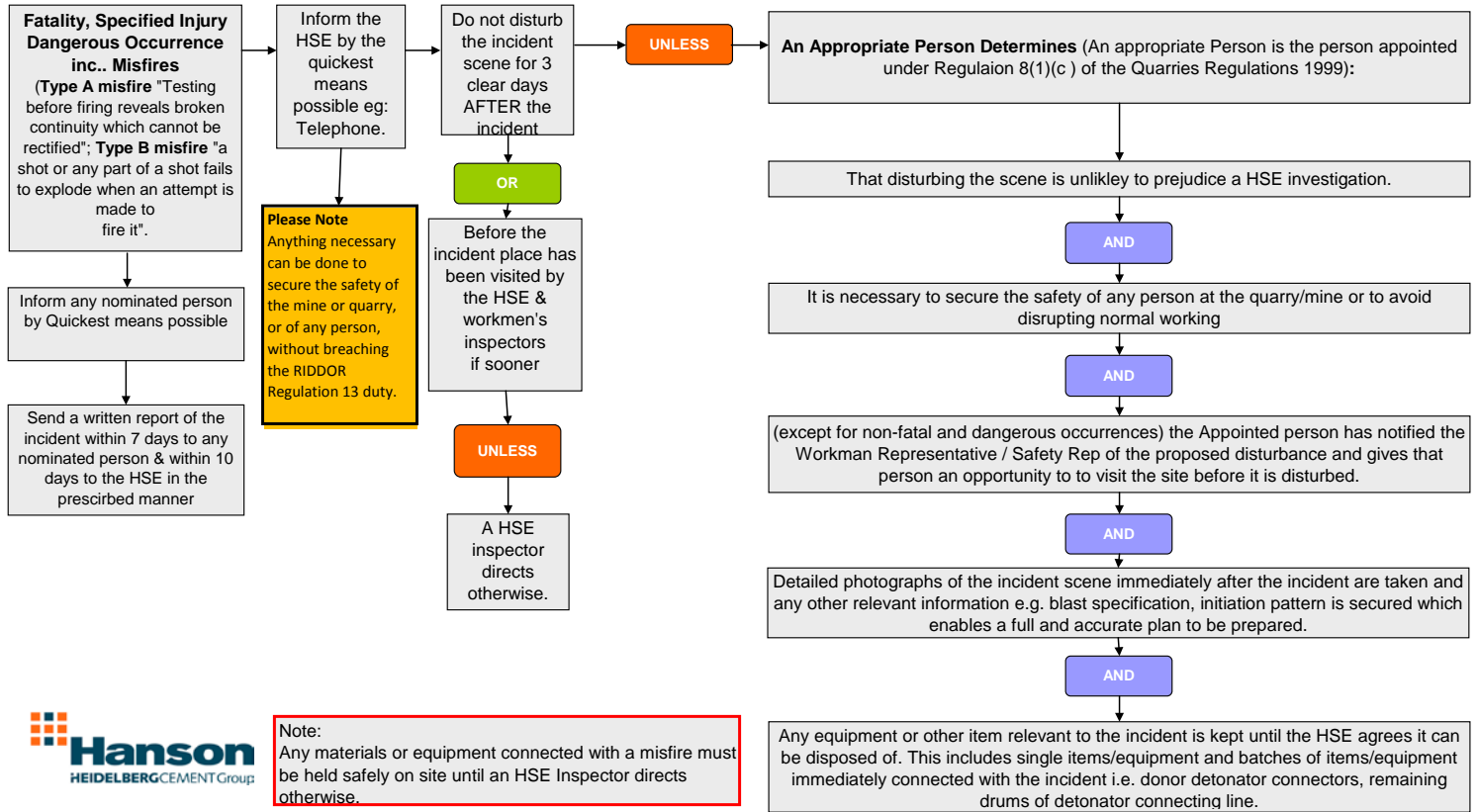
For example, if, during a routine inspection, evidence is found that a slope or face is becoming insecure, an assessment must be made of the potential to cause the death of any person should failure actually occur. This will assist in deciding whether it is reportable under (a) above.

If rock spalling from a face is contained by a toe bund then the event is unlikely to be reportable (because the failure is within the design and neither a) nor b) above will be satisfied). However, if the same spalling is not contained by the toe bund or there is no toe bund, then the event may be reportable if there was either the potential to cause death or an adverse effect on any place listed in b) above.

Also, if spalling or other failures were to occur in a worked out part of the quarry, provided effective steps had been taken to prevent inadvertent access to the area in question **prior to the failure taking place or evidence of potential failure appearing**, so that no-one was at risk and provided none of the places listed in b) above would be affected by the instability, then the event would not be reportable (again, because neither a) nor b) above would apply).

Appendix 1

Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013: Reporting Procedure to be followed at quarries



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