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The Quarries (Safety) Ordinance, 1954

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The Quarries (Safety) Ordinance, 1954

THE STATES, in exercise of the powers conferred on them by the Health, Safety and Welfare of Employees Law, 1950, and of all other powers thereunto them enabling, and in pursuance of their Resolution of the first day of October, nineteen hundred and fifty-two, hereby order:—

PART I

Interpretation

1. (1) In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:— Interpretation.

“aerial cableway” includes—

- (a) the apparatus commonly known as a “blondin” together with the supports, anchorages and fixing appliances thereof; and
- (b) any mechanical lifting and transporting apparatus moving on aerial cables together with the supports, anchorages and fixing appliances thereof;

“agent” when used in relation to any quarry means any person having, on behalf of the owner, care or direction of any quarry or of any part thereof;

“the Authority” means the Administering Authority constituted by the States under the Health, Safety and Welfare of Employees Law, 1950;

- “bodily injury” includes injury to health;
- “contravention” includes, in relation to any provision, a failure to comply with that provision and the expression “contravene” shall be construed accordingly;
- “driving-belt” includes any driving strap or rope;
- “explosive” means gunpowder, nitro-glycerine, picric acid, gelignite, dynamite, blasting gelatine, gun-cotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance, whether or not similar to any of those substances, used or manufactured with a view to producing a practical effect by explosion or a pyrotechnic effect and includes fog-signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions and every adaption or preparation of any of the afore-said substances;
- “general register” means the register kept in accordance with the requirements of section forty-eight of this Ordinance;
- “inspector” means a person appointed by the Authority to execute and perform the powers and duties of an inspector under this Ordinance;
- “machinery” includes any driving-belt;
- “maintained” means maintained in an efficient state, in efficient working order and in good repair;
- “overburden” means any ground or material lying on the rock or other mineral to be worked;
- “owner” means, in relation to a quarry, the person for the time being entitled to work the quarry to the exclusion of all others or who

would be so entitled apart from any lease or licence granted by him to another person whereunder that other person is entitled to work the quarry otherwise than to the exclusion of the grantor or a person deriving title under him, save that where the whole of the quarry is worked by a contractor on behalf of the first-mentioned person, the contractor shall, and that person shall not, be deemed for the purposes of this Ordinance to be the owner of the quarry;

“prescribed” means prescribed by the Authority;

“prime mover” means any engine, motor or other appliance which provides mechanical energy derived from steam, water, wind, electricity, the combustion of fuel or other source;

“pulley block” means any pulley, block, gin and similar gear, other than a crane block specially constructed for use with a crane to which it is permanently attached;

“quarry” means a place at which persons work in getting stone or gravel;

“Royal Court” means the Royal Court sitting as a Full Court;

“transmission machinery” means every shaft, wheel, drum, pulley, system of fast and loose pulleys, coupling, clutch, driving belt or other device by which the motion of a prime mover is transmitted to or received by any machine or appliance;

“young person” means a person who has attained the age of fourteen years and has not attained the age of eighteen years.

(2) For the purposes of this Ordinance any premises adjacent to and belonging to a quarry shall be deemed to form part of the quarry.

(3) Any reference in this Ordinance to any other enactment shall be construed as including a reference to that enactment as amended, extended or applied by any other enactment.

PART II

Safety (General Provisions)

Working of
a quarry.

2. (1) The working of the sides and of the overburden or tops of every quarry shall be carried on so as to prevent danger from falls.

(2) The overburden of every quarry shall be cleared back a sufficient distance from the working face of the quarry to prevent danger from falls.

(3) Where, as respects any quarry, the Authority is satisfied that, owing to the position of the boundary, the natural conditions or other special circumstances, it is impracticable to adhere to the requirement imposed by the last preceding subsection the Authority may from time to time by certificate grant exemption from compliance therewith subject to such conditions as the Authority may deem necessary to ensure safety.

(4) An appeal shall lie to the Royal Court at the instance of the owner or agent against any decision of the Authority under the provisions of subsection (3) of this section.

(5) Except with the approval of and subject to such conditions as may be prescribed in writing by the Authority the face of every quarry and of any gallery thereof shall not be worked so that it assumes an overhanging position.

Means of
access.

3. Secure means of access by which all persons employed can go to and from their working places shall be provided at every quarry and shall be maintained in good condition by the owner or agent.

4. (1) Every ladder used at any quarry shall be Ladders.
soundly constructed and properly maintained.

(2) Any ladder used as a means of access to or
egress from any quarry—

- (a) shall be securely fixed; and
- (b) shall not be fixed in an overhanging
position; and
- (c) shall not be fixed at an inclination to the
horizontal of more than seventy-five
degrees; and
- (d) shall have substantial platforms at intervals
of not more than twenty yards and a
strong hold-fast at each platform, and
the ladder shall project at least three feet
above each platform; and
- (e) shall where necessary for safety be provided
with a handrail.

(3) The Authority may from time to time by
certificate exempt from the provisions of paragraph
(c) of the last preceding subsection any ladder to
which those provisions apply subject to such condi-
tions as may be specified in the certificate.

5. A person when ascending or descending a ladder Ascending or
descending
ladders.
at any quarry shall not carry anything whatsoever by
hand or under any arm or shoulder or resting on any
shoulder or on the head.

6. (1) Where at any quarry machinery is used for Machinery
used for
raising or
lowering
persons.
raising or lowering persons, regulations shall be made
from time to time by the owner or agent to suit the
special circumstances of the case, and legible copies
of any regulations made under the provisions of this
section and for the time being in force shall be kept
constantly affixed in the office at the quarry and in
a convenient place adjacent to the said machinery.

(2) Any regulations made under the provisions of subsection (1) of this section shall not have effect unless and until they have been approved by the Authority.

(3) The Authority may at any time revoke any regulations made and having effect under the foregoing provisions of this section.

Prime
movers.

7. (1) At every quarry every flywheel directly connected to any prime mover and every moving part of any prime mover, except such prime movers as are mentioned in subsection (2) of this section, shall be securely fenced, whether the flywheel or prime mover is situated in an engine house or not.

(2) At every quarry every part of electric generators, motors and rotary convertors, and every flywheel directly connected thereto, shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working at the quarry as it would be if securely fenced.

Transmis-
sion
machinery.

8. (1) At every quarry every part of the transmission machinery shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working at the quarry as it would be if securely fenced.

(2) Efficient devices or appliances shall be provided and maintained at every quarry in every room or place where work is carried on by which the power can promptly be cut off from the transmission machinery in that room or place.

(3) Any driving-belt when not in use at any quarry shall not be allowed to rest or ride upon a revolving shaft which forms part of the transmission machinery.

(4) At every quarry suitable striking gear or other efficient mechanical appliances shall be provided and maintained and used to move driving-belts to and from fast and loose pulleys which form part of the transmission machinery, and any such gear or appliances shall be so constructed, placed and maintained as to prevent the driving belt from creeping back on to the fast pulley.

(5) Where the Authority is satisfied that owing to special circumstances the fulfilment of any of the requirements of the last three foregoing subsections is unnecessary or impracticable, it may by certificate direct that the requirements shall not apply in those circumstances.

9. At every quarry every dangerous part of any machinery, other than prime movers and transmission machinery, shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working at the quarry as it would be if securely fenced:

Machinery other than prime movers and transmission machinery.

PROVIDED that, in so far as the safety of a dangerous part of any machinery cannot by reason of the nature of the operation be secured by means of a fixed guard, the requirements of this section shall be deemed to have been complied with if a device is provided which automatically prevents the operator from coming into contact with that part.

10. (1) In determining, for the purposes of the provisions of section seven, section eight and section nine of this Ordinance, whether any part of machinery is in such a position or of such construction as to be as safe to every person employed or working at the quarry as it would be if securely fenced—

Provisions as to unfenced machinery.

(a) no account shall be taken of any person carrying out, while the part of machinery is

in motion, an examination thereof or any lubrication or adjustment shown by such examination to be immediately necessary, being an examination, lubrication or adjustment which it is necessary to carry out while the part of machinery is in motion; and

- (b) in the case of any part of transmission machinery used in any process, being a process where owing to the continuous nature thereof the stopping of that part would seriously interfere with the carrying on of that process, no account shall be taken of any person carrying out any lubrication or any mounting or shipping of belts:

PROVIDED that the foregoing provisions of this section shall only apply where the examination, lubrication or other operation is carried out by such persons, being male persons who have attained the age of eighteen years, as are specified in subsection (2) of this section and all such other conditions as are specified therein are complied with.

(2) For the purposes of the carrying out of any of the operations to which this subsection applies—

- (a) one or more persons shall be appointed by the owner or agent of the quarry, by signed entry in or by certificate attached to the general register, to be machinery attendants, and any such appointment may be made for all such operations or may be limited to such only of those operations as may be specified in the entry or certificate; and the owner or agent shall furnish to each person so appointed a certificate of his appointment, which certificate shall indicate the limitations, if any, specified as aforesaid;

- (b) a person shall not be appointed to be such a machinery attendant unless he is a male person who has attained the age of eighteen years, and has been sufficiently trained for the purposes of the work entailed by those operations which he is authorised by his appointment to carry out, and is acquainted with the dangers from moving machinery arising in connection with such operations;
 - (c) any ladder in use for the carrying out of such an operation shall be securely fixed or lashed or be firmly held by a second person.
- (3) The operations to which subsection (2) of this section applies are:—
- (a) the carrying out, in pursuance of paragraph (a) of subsection (1) of this section, of an examination of any part of machinery which is in motion and which is not securely fenced, or any lubrication or adjustment shown by such examination to be immediately necessary, being an examination, lubrication or adjustment which it is necessary to carry out while part of the machinery is in motion; and
 - (b) the carrying out, in pursuance of paragraph (b) of subsection (1) of this section, of any lubrication or any mounting or shipping of a belt, of any part in motion or in use of transmission machinery used in any process, being a process where owing to the continuous nature thereof the stopping of that part would seriously interfere with the carrying on of that process; and
 - (c) the carrying out, in pursuance of section eleven of this Ordinance, of an examination or any lubrication or adjustment shown by such examination to be immediately neces-

sary, when parts of machinery otherwise required to be fenced or safeguarded are in motion or in use but are necessarily exposed for those operations.

Construc-
tion and
mainten-
ance of
fencing.

11. All fencing or other safeguards provided in pursuance of the provisions of section seven, section eight and section nine of this Ordinance shall be of substantial construction, and constantly maintained and kept in position while the parts required to be fenced or safeguarded are in motion or in use, except when, subject to the provisions of subsection (2) of section ten of this Ordinance, any such parts are necessarily exposed for examination and for any lubrication or adjustment shown by such examination to be immediately necessary.

Chains,
ropes and
lifting
tackle.

12. (1) The following provisions shall be complied with as respects every chain, rope or lifting tackle used at any quarry for the purposes of raising or lowering persons, goods or materials:—

- (a) a chain, rope or lifting tackle shall not be used unless it is of good construction, sound material, adequate strength and free from patent defect;
- (b) all chains, ropes and lifting tackle in use shall be thoroughly examined by a competent person at least once in every period of six months or at such greater intervals as the Authority may prescribe;
- (c) every chain and lifting tackle except a rope sling shall, unless of a class or description exempted by certificate of the Authority upon the ground that it is made of such material or so constructed that it cannot be subjected to heat treatment without risk of damage or that it has been subjected to some form of heat treatment (other than

annealing) approved by the Authority, be annealed at least once in every twelve months, or, in the case of chains or slings of half-inch bar or smaller, in every six months, so, however, that chains and lifting tackle not in regular use need be annealed only when necessary;

(d) a register containing the prescribed particulars shall be kept with respect to all chains, ropes or lifting tackle, except fibre rope slings.

(2) In this section the expression "lifting tackle" means chain slings, rope slings, rings, hooks, shackles, and swivels.

13. (1) All parts and working gear whether fixed or movable, including the anchoring and fixing appliances, of every lifting machine at every quarry shall be of good construction, sound material, adequate strength and free from patent defect, and shall be properly maintained.

Cranes and other lifting machines.

(2) All such parts and gear as aforesaid shall be thoroughly examined by a competent person at least once in every period of twelve months and a register shall be kept containing the prescribed particulars of every such examination.

(3) There shall be plainly marked on every lifting machine at every quarry the safe working load or loads thereof, except that in the case of a jib crane so constructed that the safe working load may be varied by the raising or lowering of the jib, there shall be attached thereto either an automatic indicator of safe working loads or a table indicating the safe working loads at corresponding inclinations of the jib or corresponding radii of the load.

(4) A lifting machine at any quarry shall not, except for the purpose of a test, be loaded beyond the

safe working load as marked or indicated under the last foregoing subsection.

(5) In this section the expression "lifting machine" means a crane, crab, winch, teagle, pulley block, gin wheel, transporter or runway and save as respects subsection (1) and subsection (2) of this section includes an aerial cableway.

- Air receivers. 14. (1) Every air receiver at any quarry shall—
- (a) have marked upon it so as to be plainly visible the safe working pressure; and
 - (b) in the case of a receiver connected with an air compressing plant either be so constructed as to withstand with safety the maximum pressure which can be obtained in the compressor, or be fitted with a suitable reducing valve or other suitable appliance to prevent the safe working pressure of the receiver being exceeded; and
 - (c) be fitted with a suitable safety valve so adjusted as to permit the air to escape as soon as the safe working pressure is exceeded; and
 - (d) be fitted with a correct pressure gauge indicating the pressure in the receiver in pounds per square inch; and
 - (e) be fitted with a suitable appliance for draining the receiver; and
 - (f) be provided with a suitable manhole, hand-hole or other means which will allow the interior to be thoroughly cleaned; and
 - (g) in a case where more than one receiver is in use at the quarry, bear a distinguishing mark which shall be easily visible.
- (2) For the purpose of the provisions of the foregoing subsection relating to safety valves and

pressure gauges, any set of air receiver supplied with air through a single pipe may be treated as one receiver:

PROVIDED that, in a case where a suitable reducing valve or other suitable appliance to prevent the safe working pressure being exceeded is required to be fitted, this subsection shall not apply unless the valve or appliance is fitted on the said single pipe.

(3) Every air receiver at any quarry and the fittings of every such air receiver shall be of sound construction and properly maintained.

(4) Every air receiver at any quarry shall be thoroughly cleaned and examined at least once in every period of twenty-six months:

PROVIDED that in the case of a receiver of solid drawn construction—

- (a) the person making any such examination may specify in writing a period exceeding twenty-six months but not exceeding four years within which the next examination is to be made; and
- (b) if it is so constructed that the internal surface cannot be thoroughly examined, a suitable hydraulic test of the receiver shall be carried out in lieu of internal examination.

(5) Every examination and test referred to in the last preceding subsection shall be carried out by a competent person, and a report of the result of every such examination and test, containing the prescribed particulars (including particulars of the safe working pressure) shall be entered in or attached to the general register.

(6) In this section the expression "air receiver" means—

- (a) any vessel (other than a pipe or coil, or an accessory, fitting or part of a compressor) for

containing compressed air and connected with an air compressing plant; or

- (b) any fixed vessel for containing compressed air or compressed exhaust gases and used for the purpose of starting an internal combustion engine.

(7) The Authority may by certificate except from any of the foregoing provisions of this section any class or type of air receiver to which it is satisfied that such provision cannot reasonably be applied, and any such exception may be unqualified or may be subject to such conditions as may be specified in the certificate.

Protection
of eyes in
certain
processes.

15. (1) Where there is carried on at any quarry any of the processes to which this section applies, being a process which involves a special risk of injury to the eyes from particles or fragments thrown off in the course of the process, suitable goggles or effective screens shall be provided to protect the eyes of the persons employed in the process.

(2) The processes to which this section applies are:—

- (a) dry grinding of metal or articles of metal applied by hand to a revolving wheel or disc driven by mechanical power;
- (b) turning (external or internal) of non-ferrous metals, or of cast iron, or of articles of such metals or such iron, where the work is done dry, other than precision turning where the use of goggles or a screen would seriously interfere with the work, or turning by means of hand tools;
- (c) welding or cutting of metals by means of an electrical, oxy-acetylene or similar process; and

(d) the following processes when carried on by means of hand tools or other portable tools:—

- (i) fettling of metal castings involving the removal of metal;
- (ii) cutting out or cutting off (not including drilling or punching back) of cold rivets or bolts from boilers or other plant;
- (iii) chipping or scaling of boilers; and
- (iv) breaking or dressing of stone, concrete or slag.

16. (1) Where, on application being made ex parte by the Authority, the Royal Court sitting as an Ordinary Court (hereafter in this section referred to as "the Ordinary Court") is satisfied either—

Power of Royal Court to make orders as to dangerous conditions and practices.

- (a) that the use of any part of the ways, works, machinery or plant used at any quarry; or
- (b) that the carrying on of any process or work or the doing of anything at any quarry in such a manner as to cause a risk of bodily injury;

involves the imminent risk of serious bodily injury, the Ordinary Court may by order, valid for any period not exceeding one month from the date of the making thereof, prohibit either absolutely or subject to conditions, the use, carrying on or doing thereof.

(2) Where, on application being made by the Authority, the Royal Court is satisfied either—

- (a) that any part of the ways, works, machinery or plant used at any quarry is in such a condition or is so constructed or is so placed that it cannot be used without risk of bodily injury; or

- (b) that any process or work is carried on or anything is or has been done at any quarry in such a manner as to cause a risk of bodily injury;

the Royal Court may, by order—

- (i) prohibit the use of that part of the ways, works, machinery or plant, or, if it is capable of repair or alteration, prohibit its use until it is duly repaired or altered; or
- (ii) require the owner or agent to take such steps as may be specified in the order for remedying the danger complained of.

PART III

Aerial Cableways

Application
and interpre-
tation.

17. (1) The provisions of this Part of this Ordinance shall have effect in relation to, and to the use of, any aerial cableway at any quarry.

(2) In this Part of this Ordinance the expression “an approved quarry box” means a quarry box—

- (a) of a type approved from time to time by the Authority;
- (b) in respect of which the Authority has for the time being prescribed the number of persons which may be carried therein which number (hereafter in this Part of this Ordinance referred to as “the prescribed number”) shall not exceed one person for every four square feet of clear floor space;
- (c) on the exterior of each of two adjacent sides of which are conspicuously and legibly painted in figures and letters of not less than two and a half inches in height and

one and one-quarter inches in width the prescribed number followed immediately by the word "PERSONS";

- (d) which is of good construction, sound material and adequate strength; and
- (e) the chains, cables, hooks, rings and other attachments and gear of or appertaining to which are of good construction, sound material and adequate strength.

18. Every aerial cableway shall be of good mechanical construction, sound material, adequate strength and free from patent defect, and shall be properly maintained.

Construction and maintenance of aerial cableways.

19. (1) Every aerial cableway shall be thoroughly examined by a competent person at least once in every period of twelve months and a report of the result of every such examination in the prescribed form and containing the prescribed particulars shall be signed by the person making the examination and shall within fourteen days be entered in or attached to the general register.

Annual inspection of aerial cableways.

(2) The person making the report of any examination under subsection (1) of this section shall, on the completion of the examination, forthwith send to the Authority a copy of the report in every case where the examination shows that the aerial cableway cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time.

20. A person shall not use, attempt to use, or cause or permit the use of an aerial cableway for carrying a person or persons to higher or lower levels or across or over any part of a quarry by suspension unless—

Carrying persons by aerial cableway.

- (a) such person or persons is or are carried in an approved quarry box and no burden of any description is carried therein save such burden as that person himself was carrying or those persons themselves severally were carrying on entry therein;
- (b) the number of persons so carried does not exceed the prescribed number; and
- (c) the lifting and transporting process is supervised by a competent male person (hereafter in this Part of this Ordinance referred to as "the person in charge") appointed either generally or specially in that behalf by the owner or agent.

Transporting
passenger-
carrying
quarry boxes
by aerial
cableway.

21. On every occasion when an aerial cableway is or is about to be used for carrying one or more persons to higher or lower levels or across or over any part of a quarry by suspension—

- (a) if the quarry box has first to be raised from the ground, the person in charge shall as soon as the quarry box has been raised clear of the ground stop the movement of the quarry box and shall not permit its further movement until he has made a careful examination of every hook or other attachment taking the strain and which ought to take the strain and has satisfied himself that the quarry box is securely fastened and suspended and the strain is properly distributed; or
- (b) if the quarry box has not first to be so raised, the person in charge shall not permit the movement of the quarry box until he has made an examination and satisfied himself as aforesaid.

PART IV

Supply, use and storage of explosives

22. The provisions of this Part of this Ordinance shall have effect in relation to the supply to, and the use and storage at, any quarry of any explosive and no explosive shall be supplied, used or stored at any quarry except in accordance with the said provisions. Application.
23. An explosive shall not be taken into or used in any quarry except an explosive provided by the owner, who shall also provide a suitable place or magazine for the storage of explosives. Owner to provide explosives and storage therefor.
24. The key of the place or magazine provided, under the provisions of the last preceding section, for the storage of explosives shall be kept in the custody of such person as may be appointed in that behalf by the owner or agent by signed entry in or certificate attached to the general register. Custody of key of magazine.
25. An explosive shall be conveyed from the place of storage or magazine to a quarry in a secure case or canister so made and closed as to prevent any escape of the explosive and any danger from sparks. Conveyance of explosives.
26. An explosive shall not be taken out of its case or canister unless it is to be used forthwith for blasting. Removal of explosives from case.
27. (1) A person employed at a quarry and temporarily in possession of an explosive shall keep the explosive when not required for immediate use in a properly constructed locked place or locked chest provided exclusively for the purpose. Explosives in possession of employees.
- (2) Such locked place shall not be within, and such locked chest shall not be taken into, any place

where there is a fire or any mess-room or work-room or similar place where persons congregate.

(3) The interior of every such locked place and every such locked chest shall be kept clean and free from grit.

Detonators.

28. (1) Detonators shall be kept in a secure and securely locked box separate from any other explosive, and such box shall not be placed in any receptacle containing other explosives.

(2) A person shall not when attaching a fuse to a detonator use the teeth for the purpose of making or securing such attachment.

(3) The owner or agent shall, for the purpose of securing the attachment of a fuse to a detonator, supply pliers suitable for that purpose and shall make such pliers available on all occasions when required for that purpose.

Naked lights.

29. (1) A person shall not smoke or have any naked light whilst carrying, handling or using explosive or whilst within ten feet of any person who is so doing.

(2) Nothing in this section shall be taken to prevent the use of a naked light for firing a shot.

Insertion of explosives.

30. (1) An explosive shall not be rammed with violence or forcibly pressed into a hole.

(2) Where two or more cartridges are used in a drilled hole they shall not be tied or bunched together.

Rammers.

31. A tool other than a rammer made wholly and exclusively of wood and non-ferrous metal or of wood or of non-ferrous metal shall not be used for ramming an explosive into a hole.

32. A tool of iron or of steel or partly of iron or steel shall not be used for stemming any hole. Stemming holes.
33. Every shot shall be fired by a competent male person authorised for the purpose by the owner or agent by signed entry in or certificate attached to the general register. Shot firing.
34. When springing a shot-hole, that is to say when firing successive charges of explosives in it with a view to cracking the rock so that a heavier charge may subsequently be inserted, the hole or rent shall not be re-charged until an interval of thirty minutes has elapsed after the firing of the previous shot and, unless the charge has been fired by electricity, until the hole or rent has been treated in such manner as to ensure the quenching of any remnants of smouldering matter. Re-charging of shot-holes.
35. No boring shall be done in, or metal tool other than a metal tube introduced into, any hole or socket of a hole which has been blasted with gelignite or any other explosive containing nitro-glycerine or gun-cotton. Hole blasted with gelignite, nitro-glycerine or gun-cotton.
36. (1) If a shot misses fire or does not explode at the time it was intended to explode a person shall not go or be allowed to go near it until it has exploded or until an interval has elapsed of not less than one hour in the case of firing by fuse or ten minutes in the case of firing by electricity. Shots missing fire.
- (2) The person whose shot has apparently missed fire shall immediately give warning of the same to all persons likely to be affected and to the official under whose direction he works.
37. A charge which has missed fire shall not be unrammed, bored or picked out, but this requirement Charges missing fire.

shall not preclude the removal of the stemming by means of compressed air.

Boring near unexploded charges.

38. Where it is necessary to bore a hole near a charge which has missed fire, care shall be taken to bore the hole in such a manner as not to affect or ignite the unexploded charge.

Search for unexploded charges.

39. After a second shot has been fired near a missed-fire shot, careful search shall be made by a competent male person for the unexploded charge.

Warnings in relation to blasting.

40. (1) Due warning shall be given by an efficient system of signals before blasting is commenced and when it is finished.

(2) In a quarry where blasting is done daily it shall, as far as possible, be done at fixed stated intervals.

(3) Where danger from blasting may arise to members of the public, efficient means shall be taken to give them due warning.

Blasting regulations.

41. (1) The owner or agent shall from time to time make regulations as to intervals and signals for blasting, and legible copies of any regulations made under the provisions of this section and for the time being in force shall be kept constantly affixed in the office at the quarry and in a sufficient number of places at and adjacent to the quarry.

(2) Any regulations made under the provisions of subsection (1) of this section shall not have effect unless and until they have been approved by the Authority.

(3) The Authority may at any time revoke any regulations made and having effect under the foregoing provisions of this section.

42. A sufficient number of proper shelters shall be provided by the owner or agent and used by the persons employed unless all such persons leave the quarry during blasting and retire to a safe distance. Provision of shelters.

PART V

Notification and investigation of accidents

43. (1) Where any accident occurs at any quarry which either— Notification of accidents.

- (a) causes loss of life to a person employed at that quarry; or
- (b) disables any such person for more than three days from earning full wages at the work at which he was employed;

written notice of the accident, in the prescribed form and accompanied by the prescribed particulars, shall forthwith be sent to the Authority by the owner or agent.

(2) Where any accident causing disablement is notified under this section, and after notification thereof results in the death of the person disabled, notice in writing of the death shall be sent to the Authority by the owner or agent of the quarry as soon as the death comes to his knowledge.

44. (1) The Authority may, where it considers it expedient so to do, direct an investigation to be held into any accident occurring at any quarry and of its causes and circumstances, and with respect to any such investigation the following provisions shall have effect:— Investigation of accidents.

- (a) the Authority may appoint a competent independent person to hold the investigation, and may appoint any person possessing legal or special knowledge to act as assessor in holding the investigation;

- (b) the person or persons so appointed (hereafter in this section referred to as "the Investigation Committee") shall hold the investigation in such manner and under such conditions as the Investigation Committee may think most effectual for ascertaining the causes and circumstances of the accident, and for enabling the Investigation Committee to make the report in this subsection mentioned;
- (c) the Investigation Committee shall have for the purpose of the investigation all the powers of an inspector under this Ordinance, and, in addition, power—
 - (i) to enter and inspect any place or building the entry or inspection whereof appears to the Investigation Committee requisite for the said purposes;
 - (ii) to require the production of all books, papers and documents which it considers important for the said purposes;
- (d) the Investigation Committee shall make a report to the Authority stating the causes and circumstances of the accident, and adding any observations which the Investigation Committee thinks right to make;
- (e) any person who without reasonable excuse (proof whereof shall lie on him) either fails to comply with any requisition of the Investigation Committee, or prevents or impedes the Investigation Committee in the execution of its duty, shall be guilty of an offence, and liable on conviction to a fine not exceeding ten pounds, and, in the case of a failure to comply with a requisition to produce any document, if the failure in

respect of which a person was so convicted, is continued after conviction, he shall, subject to the provisions of section fifty-three of this Ordinance, be guilty of a further offence and liable on conviction in respect thereof to a fine not exceeding ten pounds for every day on which the failure was so continued.

(2) The Authority may cause the report of the Investigation Committee to be made public at such time and in such manner as it thinks fit.

PART VI

General

45. In any of the following cases, namely—

- (a) where the working of any quarry is—
 - (i) commenced; or
 - (ii) abandoned; or
 - (iii) recommenced after any discontinuance of work at the quarry for a period exceeding twelve months; or
- (b) where any change occurs in the name or ownership of a quarry;

Notice of working of quarry.

the owner or agent shall give notice thereof in writing to the Authority within two months after such commencement, abandonment, recommencement or change.

46. (1) The owner or agent of every quarry shall comply with the provisions of this Ordinance and to the best of his power enforce the observance thereof.

General duties of owner or agent.

(2) If the owner of any quarry does not himself exercise close and effective supervision of all the operations at the quarry he shall appoint in writing an agent for the purpose.

(3) The owner or agent of every quarry shall see that a sufficient supply of proper materials and appliances is at all times provided and maintained in an efficient state for the purpose of ensuring the safety of the quarry and the persons employed thereat and of carrying out the provisions of this Ordinance and any regulations made by the owner or agent in pursuance of the provisions of section six and section forty-one of this Ordinance.

(4) The owner or agent of every quarry or some competent male person or persons appointed by the owner or agent for the purpose shall daily inspect—

(a) every working place and travelling road and all adjacent places from which danger might arise including the overburden or tops of, and all means of access to, the quarry; and

(b) the external parts of all plants, machinery and appliances including all chains, ropes, chain and rope attachments and ladders used by persons employed at the quarry.

(5) If any danger is revealed by any inspection under the provisions of this section steps shall be taken immediately by the owner or agent to remove it and except for that purpose any person exposed to the danger shall be withdrawn.

(6) A true report of every inspection under this section shall be made and signed forthwith by the person who has made the inspection in a report book, in the prescribed form, to be kept at the quarry for the purpose, and any danger revealed in the course of the inspection or any other danger observed by or notified to the owner or agent, together with the steps taken to remove the danger shall be recorded in the report book and signed and dated by the person making the entry.

(7) For the purpose of making known the provisions of this Ordinance and any regulations made by the owner or agent of any quarry in pursuance of the provisions of section six and section forty-one of this Ordinance—

- (a) the owner or agent shall supply free of charge to each person employed at or about the quarry who applies for such copy, a printed copy of this Ordinance and a legible copy of the regulations for the time being in force made by the owner or agent in pursuance of the provisions of section six and section forty-one of this Ordinance; and
- (b) the owner or agent shall cause a printed copy of this Ordinance and a legible copy of the regulations for the time being in force made by the owner or agent in pursuance of the provisions of section six and section forty-one of this Ordinance to be kept posted up in some conspicuous place at or near the quarry where they may be conveniently read by the persons employed.

47. (1) Every person employed at any quarry shall comply with the provisions of this Ordinance and any regulations for the time being in force made by the owner or agent in pursuance of the provisions of section six and section forty-one of this Ordinance and with such directions concerning safety and discipline as may be given to him by those in authority over him.

Duties of
persons
employed.

(2) Every workman employed at any quarry shall, before commencing work, and during the course of it and especially after blasting, make a careful examination of his working place and remove

any loose rock, stones or ground which might be dangerous.

(3) Every person employed at any quarry who notices or becomes aware of anything which appears unsafe or likely to cause danger shall remedy the matter if it is within the scope of his duty, and if not shall forthwith report it to the owner or agent.

(4) A person employed at any quarry shall not wilfully interfere with or misuse any means, appliance, convenience or other thing provided in pursuance of this Ordinance for securing the health, safety or welfare of the persons employed at the quarry, and where any means or appliance for securing health or safety is provided for the use of any such person under this Ordinance, he shall use the means or appliance.

(5) Every person working on the face of any quarry or standing on any narrow ledge thereat who is liable to fall a distance of ten feet or more shall—

- (a) secure himself against falling by means of a rope one end of which shall be so fixed as to be immovable and the other end of which shall be securely attached to that person or to a harness or other suitable equipment worn by that person; and
- (b) before commencing work satisfy himself as to the safety of the said rope and the said harness or equipment, if any, and shall not use any such rope, harness or equipment which he finds to be unsafe; and
- (c) shall at all times ensure that any such rope is so placed or protected that there is no danger of its being frayed or cut.

(6) A person employed at any quarry shall not wilfully and without reasonable cause do any-

thing likely to endanger himself or others and without prejudice to the generality of the foregoing shall not—

- (a) throw down rock, stones, ground or other material so as to endanger other persons; or
- (b) remain under a suspended wagon or load.

48. (1) There shall be kept at every quarry, or at such place outside the quarry as may be approved by the Authority, a register, in the prescribed form, called the general register, and there shall be entered in or attached to that register—

General registers.

- (a) the prescribed particulars as to the young persons employed at the quarry; and
- (b) the prescribed particulars as to every accident occurring at the quarry of which notice is required to be sent to the Authority; and
- (c) all reports and particulars required by any other provision of this Ordinance to be entered in the general register; and
- (d) such other matters as may be prescribed either generally or in respect of any particular quarry.

(2) The owner or agent of every quarry shall send to the Authority such extracts from the general register as the Authority may from time to time require for the purpose of carrying into effect the provisions of this Ordinance.

(3) The general register and every other register or record kept in pursuance of this Ordinance shall be preserved and shall be kept available for inspection by any inspector or by any other person authorised in that behalf by the Authority, for at least two years, or such other period as may be prescribed, after the date of the last entry in the register or record.

Powers of
inspectors.

49. (1) An inspector shall, for the purposes of the execution of this Ordinance, have power to do any or all of the following things, that is to say:—

- (a) to enter, inspect and examine at all reasonable times, by day and night, any quarry and every part thereof and every building thereat, when he has reasonable cause to believe that any person is employed thereat and to enter by day any place which he has reasonable cause to believe to be a quarry;
- (b) to require the production of the registers, report books, certificates, notices and documents kept in pursuance of this Ordinance, and to inspect, examine and copy any of them;
- (c) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Ordinance and the enactments for the time being in force relating to public health are complied with, so far as respects the quarry;
- (d) to require any person whom he finds at any quarry to give such information as it is in his power to give as to who is the owner or agent of the quarry or the owner or hirer of any machinery thereat;
- (e) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Ordinance, every person whom he finds at any quarry or whom he has reasonable cause to believe to be or to have been within the preceding two months employed at a quarry, and to require every such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined; so, however, that no one shall be required

under this provision to answer any question or to give any evidence tending to criminate himself; and

(f) to exercise such other powers as may be necessary for carrying this Ordinance into effect and in respect of which an inspector has been authorised by the Authority to act on its behalf.

(2) The owner or agent of every quarry, his agents and servants, shall furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry or otherwise for the exercise of his powers under this Ordinance in relation to that quarry.

(3) If any person wilfully delays an inspector in the exercise of any power under this section or fails to comply with the requisition of an inspector in pursuance of this section or to produce any register, notice or document which he is required by or in pursuance of this Ordinance to produce, or wilfully withholds any information as to who is the owner or agent of any quarry, or as to who is the owner or hirer of any machinery, or conceals, or prevents, or attempts to conceal or prevent, a person from appearing before or being examined by an inspector, that person shall be deemed to obstruct an inspector in the execution of his duties under this Ordinance.

(4) Where an inspector is obstructed in the execution of his powers or duties under this Ordinance, the person obstructing him shall be guilty of an offence, and liable on conviction to a fine not exceeding five pounds; and where an inspector is so obstructed at any quarry, the owner or agent of that quarry shall be guilty of an offence.

50. Every inspector shall be furnished with the prescribed certificate of his appointment and when

Certificate of
appointment
of inspector.

visiting a quarry or place to which any of the provisions of this Ordinance applies shall produce the said certificate to anyone reasonably demanding its production.

PART VII

Offences, Penalties and Legal Proceedings

Offences.

51. (1) In the event of any contravention at or in connection with or in relation to a quarry of the provisions of this Ordinance or of any regulation made thereunder, the owner or agent of the quarry shall, subject as hereafter in this Ordinance provided, be guilty of an offence.

(2) In the event of a contravention by an employed person of the provisions of section forty-seven of this Ordinance (which relates to duties of persons employed) or of a contravention by any person of any regulation made under this Ordinance which expressly imposes any duty upon him, that person shall be guilty of an offence and the owner or agent, as the case may be, shall not be guilty of an offence by reason only of the contravention of the provisions of the said section forty-seven or the contravention of the provision imposing the said duty, as the case may be, unless it is proved that he failed to take all reasonable steps to prevent the contravention, but this subsection shall not be taken as affecting any liability of the owner or agent in respect of the same matters by virtue of some provision other than the provisions or provision aforesaid.

(3) If the owner or agent of a quarry avails himself of any special exception allowed by or under this Ordinance and fails to comply with any of the conditions attached to the exception, he shall be deemed to have contravened the provisions of this Ordinance.

(4) If any persons are employed at a quarry otherwise than in accordance with the provisions of this Ordinance there shall be deemed to be a separate contravention in respect of each person so employed.

(5) Where an offence under this Ordinance committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the body corporate he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

52. Subject as hereafter in this Ordinance provided, any person guilty of an offence under this Ordinance for which no express penalty is provided by this Ordinance shall be liable on conviction to a fine not exceeding twenty pounds, and if the contravention in respect of which he was so convicted is continued after the conviction he shall, subject to the provisions of the next succeeding section, be guilty of a further offence and liable on conviction in respect thereof to a fine not exceeding five pounds for each day on which the contravention was so continued.

Fines for offences for which no express penalty provided.

53. Where the owner or agent of a quarry is convicted of an offence under this Ordinance, the Court may, in addition to or instead of inflicting a fine, order him, within the time specified in the order, to take such steps as may be so specified for remedying the matters in respect of which the contravention occurred, and may, on application, enlarge the time so specified, and where such an order is made, the owner or agent shall not be liable under this Ordinance in respect of the continuation of the contravention during the time allowed by the Court, but if,

Power of Court to order cause of contravention to be remedied.

after the expiration of that time as originally specified or enlarged by subsequent order, the order is not complied with, the owner or agent, as the case may be, shall be liable on conviction to a fine not exceeding five pounds for each day on which the non-compliance continues.

Forgery of certificates, false entries and false declarations.

54. If any person—

- (a) forges or counterfeits any certificate required by, under, or for the purposes of this Ordinance;
- (b) gives or signs any such certificate knowing it to be false in any material particular;
- (c) knowingly utters or makes use of any such certificate so forged, counterfeited or false as aforesaid;
- (d) knowingly utters or makes use of as applying to any person any such certificate which does not so apply;
- (e) personates any person named in any such certificate;
- (f) falsely pretends to be an inspector;
- (g) wilfully connives at any such forging, counterfeiting, giving, signing, uttering, making use, personating or pretending as aforesaid;
- (h) wilfully makes a false entry in any register, notice, certificate or document required by, under, or for the purposes of this Ordinance, to be kept or served or sent;
- (i) makes or signs a declaration required by, under, or for the purposes of this Ordinance, which he knows to be false;
- (j) knowingly makes use of any such false entry or declaration as aforesaid;

he shall, without prejudice to any other penalty, be guilty of an offence under this Ordinance and liable

on conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

55. Where an act or default for which an owner or agent is liable under this Ordinance is in fact the act or default of some agent, servant, worker or other person, that agent, servant, worker or other person shall be guilty of an offence and liable to the like fine as if he were the owner or agent, as the case may be.

Penalties on persons actually committing offence for which owner or agent is liable.

56. Where the owner or agent of a quarry who is charged with an offence under this Ordinance proves to the satisfaction of the Court that he has used all due diligence to enforce the execution of this Ordinance and of any relevant regulation made thereunder and that the offence was due to the act or default of some other person who committed it without his consent, connivance or wilful default, he shall be acquitted of the offence.

Exemption of owner or agent from liability.

57. Where under this Ordinance, any person is substituted for the owner or agent with respect to any provisions of this Ordinance, any summons, notice or proceedings, which for the purpose of any of those provisions is by or under this Ordinance required or authorised to be served on or taken in relation to the owner or agent, is hereby required or authorised, as the case may be, to be served on or taken in relation to that person.

Proceedings against persons other than owners or agents.

58. Where at any quarry, the owner or hirer of a machine or implement moved by mechanical power is some person other than the owner or agent of the quarry, the owner or hirer shall, so far as respects any offence under this Ordinance committed in relation to a person who is employed in or about or in connection with that machine or implement, and

Owner of machine liable in certain cases instead of owner or agent of quarry.

is in the employment or pay of the owner or hirer, be deemed to be the owner or agent of the quarry.

Prosecution
of offences.

59. (1) In any proceedings under this Ordinance it shall be sufficient in the charge or summons to allege that the quarry is a quarry within the meaning of this Ordinance and to state the name of the ostensible owner or agent of the quarry, or where the owner or agent is a firm, the title of the firm.

(2) Where any offence is committed under this Ordinance by reason of the failure to make an examination, enter a report, or do any other thing, at or within a time specified by or under this Ordinance, the offence shall be deemed to continue until the examination is made, or the report entered, or the other thing done, as the case may be.

Special pro-
visions as to
evidence.

60. (1) If a person is found at any quarry at any time at which work is going on or any machinery is in motion, except during the intervals for meals or rest, he shall, until the contrary is proved, be deemed for the purposes of this Ordinance to have been then employed at the quarry.

(2) Where any entry is required by this Ordinance to be made in the general register or in any other register or record, the entry made by the owner or agent of the quarry or on his behalf shall, as against him, be admissible as evidence of the facts therein stated, and the fact that any entry so required with respect to the observance of any provisions of this Ordinance has not been made shall be admissible as evidence that that provision has not been observed.

Service and
sending of
documents,
etc.

61. (1) Any document required or authorised to be served by or by virtue of this Ordinance may be served—

- (a) on any person by delivering it to him, by leaving it at, or by sending it by post addressed to him at his usual or last known place of abode;
- (b) on any firm by delivering it to any partner of the firm or by leaving it at, or sending it by post to, the principal or last known principal place of business of the firm;
- (c) on any body corporate by leaving it at, or by sending it by post to, its registered office if situated in the Island of Guernsey or, if its registered office is not so situated, its principal or last known principal place of business in the said Island.

(2) Any notice or report required to be sent to the Authority under this Ordinance may be sent either by post to, or by leaving it at, the office of the Authority.

PART VIII

Saving, repeals, application and commencement

62. Nothing in this Ordinance shall be deemed to *Saving.* affect the provisions relating to quarries of Article twenty-nine of the Ordinance entitled "Ordonnance ayant rapport aux Routes, Rues et Chemins" of the twentieth day of January, eighteen hundred and forty.

63. The Ordinances set out in the Schedule to this *Repeals.* Ordinance are hereby repealed.

64. This Ordinance shall have effect in the Island *Application.* of Guernsey.

65. This Ordinance shall come into force on the *Commence-*
1st day of May, 1954. *ment.*

SCHEDULE. Section sixty-three

Ordinances repealed

The Ordinance entitled "Ordonnance par rapport aux Mines dans les Carrières" of the 1st November, 1884.

The Ordinance entitled "Ordonnance contenant des Règlements pour la Sureté des Employés dans les Carrières" of the 15th November, 1930.

The Ordinance entitled "Ordonnance Supplémentaire à l'Ordonnance contenant des Règlements pour la Sureté des Employés dans les Carrières du 15 novembre 1930" of the 7th March, 1931.

JAMES E. LE PAGE,

Her Majesty's Greffier.