

# ORDINANCE

## OF THE STATES OF DELIBERATION

ENTITLED

### **The Quarries (Safety) Ordinance, 1954 \***

[CONSOLIDATED TEXT]

#### NOTE

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* Recueil d'Ordonnances Tome XI, p. 3; as amended by the: Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); States Civil Service Board (Implementation) Ordinance, 1964 (Recueil d'Ordonnances Tome XIV, p. 4); Health and Safety at Work (General) (Guernsey) Ordinance, 1987 (Recueil d'Ordonnances Tome XXIV, p. 162); Transfer of Functions Ordinance, 1991 (Recueil d'Ordonnances Tome XXV, p. 328); Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996 (No. XXXI of 1996, Recueil d'Ordonnances Tome XXVII, p. 139); Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); Health and Safety at Work (Equality Provisions) Ordinance, 2021 (No. XXVI of 2021). See also the: Education (Guernsey) Law, 1970 (Ordres en Conseil Vol. XXII, p. 318); Safety of Employees (First-Aid and Welfare) Ordinance, 1954 (Recueil d'Ordonnances Tome XI, p. 49); Safety of Employees (Woodworking Machinery) Ordinance, 1959 (Recueil d'Ordonnances Tome XII, p. 202); Health and Safety at Work (General) (Guernsey) Ordinance, 1987 (*supra*); Quarries (Safety) Regulations, 1954 (G.S.I. No. 24 of 1954); Quarries (Safety) Regulations, 1956 (G.S.I. No. 26 of 1956); Health and Safety (Fees) Order, 2024 (G.S.I. No. 50 of 2024).

ORDINANCE  
OF THE STATES OF DELIBERATION

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**The Quarries (Safety) Ordinance, 1954**

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*(Made on 7th April, 1954.)*

## **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*

#### **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 –

**"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 Committee**" means the [States of Guernsey [Committee for Employment & Social Security]] or such other committee as the States may by Resolution appoint,]

**"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 adaptation or preparation of any of the aforesaid 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 States [Policy & Resources Committee]] 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 Committee],

**"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.

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**NOTES**

*In section 1,*

*the words in the first pair of square brackets were substituted by the Transfer of Functions Ordinance, 1991, section 4, Schedule 3, paragraph 6, with effect from 31st July, 1991;*

*the words in the second pair of square brackets within the definition of the expression "the Committee" were substituted by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996, section 3, Schedule 2, paragraph 16, with effect from 31st October, 1996;*

*the words, first, "the Committee" and, second, "Committee for Employment & Social Security" in square brackets in the definition of the expression "the Committee" in subsection (1) and, third, the words "the Committee" in square brackets wherever else occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 4, section 2, Schedule 1, paragraph 1(b), Schedule 2, Part 1, paragraph 1 and section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016;<sup>1</sup>*

*the words in square brackets in the definition of the expression "inspector" in subsection (1) were substituted by the States Civil Service Board (Implementation) Ordinance, 1964, section 1, Schedule, with effect*

*from 29th January, 1964;*

*the words in square brackets within the square brackets in the definition of the expression "inspector" were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 10(a), with effect from 1st May, 2016.<sup>2</sup>*

*The functions, rights and liabilities of the Commerce and Employment Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Employment & Social Security and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 1(b), Schedule 2, Part 1, paragraph 1, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>3</sup>*

*The functions, rights and liabilities of the Policy Council and of its Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 10(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>4</sup>*

*The following Regulations have been made under this Ordinance:*

*Quarries (Safety) Regulations, 1954;  
Quarries (Safety) Regulations, 1956.*

*The following case has referred to this Ordinance:*

*Buckley v. Ronez Ltd. (2010) (Unreported, Royal Court, 19th January) (Guernsey Judgment No 4/2009).*

*In accordance with the provisions of the Education (Guernsey) Law, 1970, section 46, with effect from 28th October, 1970, for the purposes of this Ordinance relating to the prohibition or regulation of the employment of children or young persons, any person who is not for the purposes of the 1970 Law over compulsory school age shall be deemed to be a child within the meaning of this Ordinance.*

*In accordance with the provisions of the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, section 35(1), Schedule 4, with effect from 1st December, 1987, this enactment is one of those to be regarded as "relevant statutory provisions" for the purposes of the 1987 Ordinance.*

*In accordance with the provisions of the Health and Safety (Fees) Order, 2024, with effect from 1st June, 2024, the fees payable for the provision of services or documents, under or for the purposes of, or in connection with the exercise of any function arising under this Ordinance and any*

*subordinate legislation made hereunder are as contained in article 3 thereof.*

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## 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 dangerous 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 Committee] 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 Committee] may from time to time by certificate grant exemption from compliance therewith subject to such conditions as [the Committee] 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 Committee] 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 Committee] the face of every quarry and of any gallery thereof shall not be worked so that it assumes an overhanging position.

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#### **NOTE**

*In section 2, the words "the Committee" in square brackets, wherever*

*occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.*

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**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.

**Ladders.**

4. (1) Every ladder used at any quarry shall be 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 Committee] 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 conditions as may be specified in the certificate.

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**NOTE**

*In section 4, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.*

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**Ascending or descending ladders.**

5. A person when ascending or descending a ladder 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.

**Machinery used for raising or lowering persons.**

6. (1) Where at any quarry machinery is used for 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 Committee].

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

**NOTE**

*In section 6, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.*

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**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.

**Transmission 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 Committee] 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.

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**NOTE**

*In section 8, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.*

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**Machinery other than prime movers and transmission machinery.**

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:

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.

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**NOTE**

*In accordance with the provisions of the Safety of Employees (Woodworking*

*Machinery) Ordinance, 1959, section 17(b), with effect from 1st December, 1959, any obligation as to any fencing of any part of any woodworking machine shall be as imposed under the provisions of that Ordinance and, accordingly, any such obligation shall be in substitution for any obligation as to fencing in respect of that part of that machine imposed under the provisions of this section.*

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**Provisions as to unfenced machinery.**

**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 –

- (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 [...] 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 [...] 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 necessary, when parts of machinery otherwise required to be fenced or safeguarded are in motion or in use but are necessarily exposed for those operations.

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**NOTE**

*In section 10, the words omitted in square brackets in, first, the proviso to subsection (1) and, second, subsection (2)(b) were repealed by the Health and Safety at Work (Equality Provisions) Ordinance, 2021, section 1(2), with effect from 15th July, 2021.*

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**Construction and maintenance 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 Committee] may prescribe,
- (c) every chain and lifting tackle except a rope sling shall, unless of a class or description exempted by certificate of [the Committee] 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

Committee], 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.

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#### NOTES

*In section 12, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.*

*In accordance with the provisions of the Quarries (Safety) Regulations, 1954, regulation 2(1) and regulation 2(2), with effect from 1st May, 1954, the prescribed forms of registers to be kept under this section in relation to, first, the examination of all chains, ropes or lifting tackle and, second, the annealing of chains and lifting tackle (except rope slings) shall be, respectively, Form 3 and Form 5.*

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#### **Cranes and other lifting machines.**

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.

(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.

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**NOTES**

*The following case has referred to section 13:*

*Buckley v. Ronez Ltd. (2010) (Unreported, Royal Court, 19th January) (Guernsey Judgment No 4/2009).*

*In accordance with the provisions of the Quarries (Safety) Regulations, 1954, regulation 2(3), with effect from 1st May, 1954, the prescribed form of register to be kept under this section in relation to the thorough examination of cranes and other lifting machines (excluding aerial cableways) shall be Form 4.*

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**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, handhole 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 receivers 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 Committee] 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.

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**NOTES**

*In section 14, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.*

*In accordance with the provisions of the Quarries (Safety) Regulations, 1954, regulation 3(a) and regulation 3(b), with effect from 1st May, 1954, the prescribed forms of, first, the report and, second, the supplementary report of an examination of an air receiver for the purposes of subsection (5) of this section shall be, respectively, Form 59 and Form 60; and the particulars to be contained in the said Forms shall be as set out thereon.*

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**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.

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

16. ...

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**NOTE**

*Section 16 was repealed by the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, section 34, Schedule 3, with effect from 1st December, 1987.*

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**PART III**

*Aerial Cableways*

**Application and interpretation.**

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 Committee],
- (b) in respect of which [the Committee] 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.

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**NOTE**

*In section 17, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.*

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**Construction and maintenance of aerial cable-ways.**

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

**Annual inspection 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.

(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 Committee] a copy of the report in every case where the examination shows that the aerial cable-way cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time.

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**NOTES**

*In section 19, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.*

*In accordance with the provisions of the Quarries (Safety) Regulations, 1954, regulation 4, with effect from 1st May, 1954, the prescribed form of report in relation to the thorough examination of an aerial cableway shall be Form 10Q.*

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**Carrying persons by aerial cableway.**

**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 –

- (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 [...] 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.

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**NOTE**

*In section 20, the word omitted in square brackets in paragraph (c) was repealed by the Health and Safety at Work (Equality Provisions) Ordinance, 2021, section 1(3), with effect from 15th July, 2021.*

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**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*

**Application.**

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.

**Owner to provide explosives and storage therefor.**

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.

**Custody of key of magazine.**

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.

**Conveyance of explosives.**

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.

**Removal of explosives from case.**

26. An explosive shall not be taken out of its case or canister unless it is to be used forthwith for blasting.

**Explosives in possession of employees.**

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.

(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.

**Stemming holes.**

32. A tool of iron or of steel or partly of iron or steel shall not be used for stemming any hole.

**Shot firing.**

33. Every shot shall be fired by a competent [...] person authorised for the purpose by the owner or agent by signed entry in or certificate attached to the general register.

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**NOTE**

*In section 33, the word omitted in square brackets was repealed by the Health and Safety at Work (Equality Provisions) Ordinance, 2021, section 1(4), with effect from 15th July, 2021.*

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**Re-charging of shot-holes.**

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.

**Hole blasted with gelignite, nitro-glycerine or gun-cotton.**

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.

**Shots missing fire.**

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.

(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.

**Charges missing fire.**

37. A charge which has missed fire shall not be unrammed, bored or picked out, but this requirement 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 [...] person for the unexploded charge.

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**NOTE**

*In section 39, the word omitted in square brackets was repealed by the Health and Safety at Work (Equality Provisions) Ordinance, 2021, section 1(5), with effect from 15th July, 2021.*

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**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 Committee].

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

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**NOTE**

*In section 41, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.*

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**Provision of shelters.**

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.

PART V

*Notification and investigation of accidents*

**Notification of accidents.**

43. ...

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**NOTE**

*Part V, and section 43 thereof, were repealed by the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, section 34, Schedule 3, with effect from 1st December, 1987.*

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**Investigation of accidents.**

44. ...

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**NOTE**

*Section 44 was repealed by the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, section 34, Schedule 3, with effect from 1st December, 1987.*

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PART VI

*General*

**Notice of working of quarry.**

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,

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

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**NOTE**

*In section 45, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.*

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**General duties of owner or agent.**

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.

(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 [...] 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 plant, 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.

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**NOTES**

*In section 46, the word omitted in square brackets in subsection (4) was repealed by the Health and Safety at Work (Equality Provisions) Ordinance, 2021, section 1(6), with effect from 15th July, 2021.*

*In accordance with the provisions of the Quarries (Safety) Regulations, 1954, regulation 6, with effect from 1st May, 1954, the prescribed form of report book for the purposes of subsection (6) of this section shall be M & Q Form 94.*

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**Duties of 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.

(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 anything 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.

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**NOTE**

*In accordance with the provisions of the Safety of Employees (First-Aid and Welfare) Ordinance, 1954, section 5(2), with effect from 1st October, 1954, subsection (4) of this Ordinance shall have effect as if any reference therein to this Ordinance included a reference to that Ordinance.*

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**General registers.**

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

- (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 Committee], 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 Committee] such extracts from the general register as [the Committee] 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 Committee], 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.

**NOTES**

*In section 48, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 4, with effect from 1st May, 2016.*

*In accordance with the provisions of the Quarries (Safety) Regulations, 1954, regulation 2(4), with effect from 1st May, 1954, the prescribed form of the general register to be kept under this section shall be Form Q2.*

*In accordance with the provisions of the Quarries (Safety) Regulations, 1956, regulation 2, with effect from 1st November, 1956, the prescribed particulars as to the young persons employed at the quarry to be entered in or attached to the general register are as set out in the said regulation 2.*

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**Powers of inspectors.**

49. ...

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**NOTE**

*Section 49 was repealed by the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, section 34, Schedule 3, with effect from 1st December, 1987.*

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**Certificate of appointment of inspector.**

50. ...

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**NOTE**

*Section 50 was repealed by the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, section 34, Schedule 3, with effect from 1st December, 1987.*

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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.

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**NOTE**

*In accordance with the provisions of the Safety of Employees (First-Aid and Welfare) Ordinance, 1954, section 6(2), with effect from 1st October, 1954, the provisions of this Part of this Ordinance shall apply for the enforcement of that Ordinance and otherwise in relation thereto as if the provisions, other than section 5, section 6 and section 7, of that Ordinance were enacted in this Ordinance.*

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**Fines for offences for which no express penalty provided.**

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 [level 1 on the uniform scale], 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.

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**NOTE**

*In section 52, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.*

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

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, 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. ...

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**NOTE**

*Section 54 was repealed by the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, section 34, Schedule 3, with effect from 1st December, 1987.*

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

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.

**Exemption of owner or agent from liability.**

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.

**Proceedings against persons other than owners or agents.**

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.

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

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 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 provisions 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.** ...

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**NOTE**

*Section 61 was repealed by the Health and Safety at Work (General) (Guernsey) Ordinance, 1987, section 34, Schedule 3, with effect from 1st December, 1987.*

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**PART VIII**

*Saving, repeals, application and commencement*

**Saving.**

62. Nothing in this Ordinance shall be deemed to 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.

**Repeals.**

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

**Application.**

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

**Commencement.**

65. This Ordinance shall come into force on the 1<sup>st</sup> day of May, 1954.

*Ordinances repealed*

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

The Ordinance entitled "Ordonnance contenant des Règlements pour la Sûreté des Employés dans les Carrières" of the 15<sup>th</sup> November, 1930.

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

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<sup>1</sup> The words "Committee for Employment & Social Security" were previously substituted by the Transfer of Functions Ordinance, 1991, section 4, Schedule 3, paragraph 6, with effect from 31st July, 1991; the Board of Employment, Industry

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and Commerce by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996, section 3, Schedule 2, paragraph 16, with effect from 31st October, 1996; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 5, with effect from 6th May, 2004.

<sup>2</sup> These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 12(a), with effect from 6th May, 2004.

<sup>3</sup> The functions, rights and liabilities of the Commerce and Employment Department and its Minister arising under or by virtue of this Ordinance were previously transferred to them from the Board of Industry and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 5, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions of the Board of Industry were previously transferred to it from the Board of Employment, Industry and Commerce by the Board of Employment, Industry and Commerce (Transfer of Functions) Ordinance, 1996, section 1, Schedule 1, paragraph 17, with effect from 31st October, 1996, subject to the savings and transitional provisions in section 2 of the 1996 Ordinance; the functions of the Board of Employment, Industry and Commerce arising under or by virtue of this Ordinance were previously transferred to it from the States Labour and Welfare Committee by the Transfer of Functions Ordinance, 1991, section 2, Schedule 2, paragraph 6, with effect from 31st July, 1991, subject to the savings and transitional provisions in section 3 of the 1991 Ordinance.

<sup>4</sup> The functions, rights and liabilities of the Policy Council and its Minister arising under or by virtue of this Ordinance were previously transferred to them from the Civil Service Board and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 12(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.