



STATUTORY INSTRUMENTS.

S.I. No. 179 of 2019



SAFETY, HEALTH AND WELFARE AT WORK (QUARRIES)
(AMENDMENT) REGULATIONS 2019

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I, PAT BREEN, Minister of State at the Department of Business, Enterprise and Innovation, in exercise of the powers conferred on me by section 58 of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005) (as adapted by the Jobs, Enterprise and Innovation (Alteration of Name of Department and Title of Minister) Order 2017 (S.I. No. 364 of 2017)) and the Enterprise, Trade and Innovation (Delegation of Ministerial Functions) Order 2017 (S.I. No. 569 of 2017), and after consultation with the Health and Safety Authority, hereby make the following regulations:

1. (1) These Regulations may be cited as the Safety, Health and Welfare at Work (Quarries) (Amendment) Regulations 2019.

(2) The Principal Regulations, the Safety, Health and Welfare at Work (Quarries) (Amendment) Regulations 2013 (S.I. No. 9 of 2013) and these Regulations may be cited together as the Safety, Health and Welfare at Work (Quarries) Regulations 2008 to 2019.

2. In these Regulations “Principal Regulations” means the Safety, Health and Welfare at Work (Quarries) Regulations 2008 (S.I. No. 28 of 2008).

3. Regulation 2 of the Principal Regulations is amended—

(a) in paragraph (1)—

(i) by deleting the definitions of “FÁS” and “FETAC”,

(ii) by inserting after the definition of “lagoon” the following definition:

“‘Member State’ has the meaning assigned to it in the Professional Qualifications Regulations;”,

(iii) by inserting after the definition of “preparation for sale” the following definition:

“‘Professional Qualifications Regulations’ means the European Union (Recognition of Professional Qualifications) Regulations 2017 (S.I. No. 8 of 2017);”,

(iv) by inserting after the definition of “public road” the following definition:

“‘QQI’ means Quality and Qualifications Ireland;”,

(v) in the definition of “registration card”, by substituting “SOLAS” for “FÁS”, and

(vi) by inserting after the definition of “shotfiring rules” the following definition:

“‘SOLAS’ means An tSeirbhís Oideachais Leanúnaigh agus Scileanna”, and

(b) by substituting for paragraph (3) the following:

“(3) Taking account of the Professional Qualifications Regulations, SOLAS is responsible for the issue of valid registration cards, with photographic identification, under Schedule 1 and for the maintenance of a register of the cards issued.”.

4. Regulation 3(2)(c) of the Principal Regulations is amended by substituting “Safety, Health and Welfare at Work (Construction) Regulations 2013 (S.I. No. 291 of 2013)” for “Safety, Health and Welfare at Work (Construction) Regulations (S.I. No. 504 of 2006)”.

5. The Principal Regulations are amended by substituting for Regulation 12 the following:

“12. Without prejudice to section 21 of the Act, where an operator has been appointed under Regulation 6(1) or where a common operator has been appointed under Regulation 6(5), that operator or common operator shall co-ordinate the implementation of all measures relating to the safety, health and welfare of persons at work at the quarry.”.

6. Schedule 1 to the Principal Regulations is amended by substituting for paragraph 2 the following:

“2. SOLAS shall issue a registration card to a person who applies to it and has been awarded—

- (a) an award from QQI for the purpose of this Schedule in a task listed in paragraph 1(1),
- (b) an award from another body in the State which is recognised by SOLAS as equivalent to the award referred to in clause (a),
- (c) an award approved by a body in another Member State and recognised by SOLAS under the Professional Qualifications Regulations as equivalent to the award referred to in clause (a),
- (d) an award approved by a body in a state other than a Member State and recognised by SOLAS as equivalent to the award referred to in clause (a).”.

GIVEN under my hand,
28 April 2019.

PAT BREEN,
Minister of State at the Department of Business,
Enterprise, and Innovation

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

The purpose of these Regulations is to amend the Safety, Health and Welfare at Work (Quarries) Regulations 2008 (S.I. No. 28 of 2008) to facilitate the recognition by SOLAS of equivalent registration cards and certification schemes from states other than Member States as compliant with the provisions of these Regulations.

The Regulations also change any references to FÁS to SOLAS and similarly change references to FETAC to QQI following the establishment of the Quality and Qualifications Ireland and make other minor amendments, including the addition of a reference to “common operator” in Regulation 12 for ease of consistency.

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