



Jersey

# **EXPLOSIVES (SAFETY PROVISIONS) (JERSEY) REGULATIONS 1972**

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## EXPLOSIVES (SAFETY PROVISIONS) (JERSEY) REGULATIONS 1972

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Jersey

## **EXPLOSIVES (SAFETY PROVISIONS) (JERSEY) REGULATIONS 1972**

**THE STATES**, in pursuance of Article 9 of the Health and Safety at Work (Jersey) Law 1989<sup>1</sup> have made the following Regulations –

Commencement [[see endnotes](#)]

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### **PART 1**

#### **INTRODUCTORY**

#### **1 Interpretation**

In these Regulations, unless the context otherwise requires –

“appropriate person” means –

- (a) in relation to a building operation or work of engineering construction, the employer of workers carrying out such operation or work;
- (b) in relation to quarrying operations, the occupier of the quarry:

Provided that where the whole of the quarry is worked by a contractor on behalf of the occupier the contractor shall be deemed to be the occupier;

“building operation” means the construction, structural alteration, repair and maintenance of a building or any appurtenance thereof, the demolition of a building or any appurtenance thereof, and the preparation for, and laying the foundations of, an intended building or any appurtenance thereof;

“crimpers” means a tool for attaching detonators to fuses, and the word “crimp” shall be construed accordingly;

“delay detonator” means a detonator incorporating a delay to provide an interval of time between shots where charges are connected by electric shot firing cable;

“detonating fuse” means fuse consisting of high explosive enclosed in a water-proof covering;

“detonating relay” means a device which, when used in conjunction with detonating fuse, will provide a delay in the interval of time between shots where charges are connected by the same length of detonating fuse;

“explosive” does not include a detonator;

“heading” means a tunnel or other excavation (not being merely a shot hole) constructed for the purpose of a heading blast;

“heading blast” means a shot fired in a heading otherwise than for the purpose or in connection with the making of that heading;

“igniter cord” means an extruded cord enclosing strands of material of suitable tensile strength together with an igniter composition;

“magazine” means a building used for the storage of explosives and detonators licensed for that purpose by the Home Affairs Committee;

“minerals” include stone, slate, clay, gravel, sand and other natural deposits;

“primer cartridge” means a cartridge of explosive into which a detonator has been placed;

“quarry” means an excavation or system of excavations made for the purpose of, or in connection with, the getting of minerals or products of minerals;

“quarrying operation” means the working of a quarry:

Provided that the working of a quarry shall be deemed to include the operation of removing overburden thereat where explosives are used for that purpose;

“safety fuse” means a fuse consisting of a substance which burns at a regular rate;

“shot” means an explosion of explosives;

“shot firer” means a competent person, over the age of 21 years, appointed in writing by the appropriate person to be responsible throughout for the preparation, placement and firing of charges:

Provided that the appropriate person may appoint himself or herself in writing as a shot-firer;

“shot hole” means a hole bored for the purpose of placing explosives and detonators;

“stemming” means enclosing a shot hole, after loading, by means of a non-metallic substance;

“work of engineering construction” means the construction, structural alteration or repair or the demolition of any dock, harbour, tunnel, bridge, aqueduct, viaduct, sewer, sewerage works, gas holder, waterworks, reservoir, pipeline or any pipeline for the conveyance of anything other than water, any steel or reinforced concrete structure other than a building, any road, airfield, sea defence works and any other civil or

constructional engineering works of a similar nature to any of the foregoing works;

“workshop” means a building used for the purpose of filling cartridges, making charges, drying, sifting, fitting or otherwise adapting or preparing explosives and detonators for use.

## **2 Application Articles 8 and 9 of the Law**

Articles 8 and 9 of the Safeguarding of Workers (Jersey) Law 1956,<sup>2</sup> shall apply to an appropriate person as if the appropriate person were a responsible person.

## **3 Application of Regulations**

These Regulations shall apply –

- (a) to building operations;
- (b) to quarrying operations; and
- (c) to works of engineering construction,

where such operations or works are performed or about to be performed, by persons who, by virtue of such working or performance are, or will be, workers.

## **4 Obligations under Regulations**

- (1) It shall be the duty of every appropriate person who is undertaking the operations or works to which these Regulations apply to ensure compliance with these Regulations whether or not specific reference is made in any Regulation to the appropriate person.
- (2) It shall be the duty of every worker to comply with the requirements of such of these Regulations as relate to the performance of or the refraining from an act by the worker, and to comply with any directions given to the worker by or on behalf of the appropriate person or any rule made by the appropriate person for regulating the conduct either of all workers or any class of workers to which that worker belongs, being directions given, or a rule made, for the purpose of securing compliance with these Regulations.
- (3) No contractor, employer, employee or any other person carrying out any operations or works to which these Regulations apply shall wilfully and without reasonable cause do anything likely to endanger himself, herself or others.

## **PART 2**

### **CONVEYANCE AND CARE ETC., OF EXPLOSIVES AND DETONATORS**

#### **5 Persons permitted to draw, convey and deposit explosives and detonators**

No person other than the shot firer may draw, convey or deposit explosives or detonators or have access to the magazine.

#### **6 Conveyance of detonators**

Except when within a magazine, workshop, or place appointed under Regulation 10(2) no shot firer shall carry any detonator otherwise than in a securely locked detonator case used solely for that purpose and provided by the appropriate person:

Provided that nothing in this Regulation shall prevent a primer cartridge being taken in a case, bag or canister for carrying explosives, to a place where it is intended to fire a shot, being a case, bag or canister complying with the requirements of Regulation 1(1).

#### **7 Construction and maintenance of detonator case**

Where detonators are used, the appropriate person shall ensure that no detonator case is issued for use unless it is so constructed and maintained that when the case is closed it is impossible for any detonator or the leads of any detonator contained in the case to touch any metal part thereof which is exposed outside the case or is in contact with any other metal part so exposed.

#### **8 Care and use of detonator case**

- (1) Any shot firer to whom a detonator case has been issued shall –
  - (a) ensure that, apart from any check sheet for recording shots fired by the shot firer, nothing except detonators is in it;
  - (b) ensure that at any time at which it is not on the shot firer's person it is in a safe place and, unless the shot firer remains in the immediate vicinity, it is kept securely locked;
  - (c) if at the end of the shot firer's period of duty it contains any detonator, return it to a magazine;
  - (d) retain the key of the case in the shot firer's own possession throughout the period during which the shot firer is on duty.
- (2) No shot firer shall remove a detonator from a detonator case (except within a magazine, workshop or a place appointed under Regulation 10(2)) unless it is required immediately for use.

**9 Persons permitted to prepare explosives and detonators**

No person other than a shot-firer shall prepare or attempt to prepare explosives or detonators for the purpose of firing a shot or shots.

**10 Preparation of detonators**

- (1) At a quarry no shot firer shall cap safety fuse with a detonator except within a workshop.
- (2) In relation to building operations and works of engineering construction no shot firer shall cap safety fuse with a detonator except within a weatherproof shelter, appointed by the appropriate person, away from any magazine.
- (3) No detonator shall be crimped to any fuse otherwise than by means of crimpers approved for that purpose by the Committee and provided by the appropriate person.

**11 Conveyance of explosives**

- (1) Except when within a magazine, workshop or a place appointed under Regulation 10(2), no shot firer shall carry any explosive (other than detonating fuse) otherwise than in a closed case, bag or canister so constructed and maintained as to prevent any escape or leakage of the explosive and danger from sparks. The appropriate person shall make and secure the efficient carrying out of arrangements to ensure that all such cases, bags and canisters in use are kept clean and free from grit.
- (2) Except in pursuance of the proviso to Regulation 6 no shot firer shall put anything other than explosives into a case, bag or canister provided for the purpose of carrying explosives.
- (3) Every shot firer having any case, bag or canister of explosives in the shot firer's possession or control shall ensure that it is not deposited at any time elsewhere than in a safe place, and, in particular, if at the end of the shot firer's period of duty the case, bag or canister contains any explosive, shall return it to a magazine.
- (4) No shot firer shall (except within a magazine, workshop or a place appointed under Regulation 10(2)) take any explosive from any case, bag or canister provided for the purpose of carrying explosives unless the shot firer requires the explosive immediately for charging a shot hole or a heading or for firing a shot.

**12 Care of explosives**

No shot firer shall take any explosive, detonator, detonating fuse, safety fuse or igniter cord into any room or compartment containing machinery, into any messroom, workroom, recreation room or other place where persons congregate, or into any place in which there is a fire, an electric heating apparatus, an oil-fired heating apparatus or a heating apparatus comprising a flame.

**13 Explosives, detonators, fuses etc. in contact with liquids**

- (1) No explosive, detonator or detonating fuse shall be prepared for use or placed in position for the firing of a shot if, as a result of its contact with any liquid, its condition creates the risk of a premature or delayed shot.
- (2) No safety fuse shall be prepared for use or placed in position for the firing of a shot if, as a result of contact with any liquid, it is unlikely to burn at a regular rate.
- (3) No igniter cord shall be prepared for use or placed in position for the firing of a shot if, as a result of contact with any liquid, it is unlikely to burn over its whole length or at all.

**14 Disposal of packing materials**

The shot firer shall ensure that all cases, canisters, containers, cartons, liners, cartridge paper and any other wrappings which have contained explosives or detonators used by the shot firer are destroyed by burning in a place of safety away from any magazine or workshop being a place of safety appointed by the appropriate person.

**15 Use of naked light near explosives or detonators**

No person shall smoke, or take any naked light within 20 feet of any explosive, detonator, magazine or workshop, and no person shall take any explosive or detonator within 20 feet of a naked light:

Provided that nothing in this Regulation shall prevent the use of a naked light by a shot firer for firing a shot.

## **PART 3**

### **SHOT FIRING – ELECTRIC SHOT FIRING**

**16 Permitted electric shot firing apparatus**

No shot firer shall fire a shot by means of electric shot firing apparatus or cable or safety fuse not provided for that purpose by the appropriate person.

**17 Use of electric shot firing apparatus**

A shot firer who is in charge of any electric shot firing apparatus –

- (a) shall retain any removable handle or key in the shot firer's possession throughout the period while the shot firer is on duty;
- (b) shall not place any removable handle or key in position in the apparatus until the shot firer is about to fire a shot; and
- (c) shall remove any removable handle or key from the apparatus immediately after firing each shot.

**18 Shot firing**

- (1) No shot firer shall fire a shot electrically unless the shot firing cable is of sufficient length to enable the shot firer to do so from a place of safety.
- (2) No shot firer shall couple a shot firing cable to shot firing apparatus for the purpose of firing a shot unless the cable has already been coupled by the shot firer to the detonator or series of detonators.
- (3) No shot firer shall fire any round of shots connected in series by means of electric shot firing apparatus unless the shot firer has tested the circuit for continuity by means of a suitable testing device and has found it to be satisfactory; a shot firer shall not make any such test unless all persons in the vicinity have withdrawn to a place of safety and the shot firer has taken proper shelter.
- (4) No shot firer shall use a delay detonator unless a number indicating the period of delay is clearly marked on the detonator or on a lead of that detonator.

**19 Defective electric shot firing apparatus**

If any electric shot firing apparatus appears to be defective or fails to fire any shot or fails to fire all or any of the shots in a properly connected round at one operation, the shot firer in charge of it shall not use it further except in accordance with Regulation 56 but shall report the circumstances to the appropriate person.

**20 Misuse of electric shot firing apparatus**

No person other than a competent person authorized to do so by the appropriate person shall open or tamper with any electric shot firing apparatus.

**PART 4****SHOT FIRING (GENERAL)****21 Persons permitted to place charges and fire shots**

No person other than a shot firer shall place or attempt to place a charge for firing or fire or attempt to fire a shot.

**22 Testing of safety fuse**

No shot firer shall make use of safety fuse for the purpose of firing a shot unless, on each occasion before use, the shot firer has tested a length of fuse taken from each reel which the shot firer intends to use in order to ensure that it burns at a regular rate; any such test shall be made in a place of safety away from any magazine or workshop.

**23 Safe positioning of charge**

No shot firer shall fire any shot unless the shot firer has satisfied himself or herself that the charge is so placed as to be safe for the firing of a shot.

**24 Detonating relays**

No shot firer shall use a detonator relay unless it is duplicated.

**25 Misuse of detonator lead or fuse**

No person shall pull out any detonator cable or fuse capped with a detonator from any charged shot hole or heading.

**26 Duplication of detonating fuse**

No shot firer shall fire more than 3 shots in separate shot holes from a length of detonating fuse unless such fuse is duplicated and so connected as to form 2 separate paths of detonation to each shot hole.

**27 Prohibited and permitted periods for shot firing**

No shot firer shall make preparations for the firing of any shot (other than preparations not involving the use of, the placing in position of, or the connecting up of any explosive or detonator) or fire or attempt to fire any shot during the time between half-an-hour after sunset and half-an-hour before sunrise.

**28 Firing shots under water**

Where a shot is to be fired under water, the appropriate person shall make and secure the efficient carrying out of arrangements to ensure that no such shot is fired unless –

- (a) the charge is of a water resistant type and protected as far as possible from becoming wet; and
- (b) in the event of a miss-fire the charge can be readily recovered.

**29 Shot firing rules**

- (1) For the purpose of securing the safety of all workers when shot firing is being carried on, the appropriate person shall make rules (in these Regulations referred to as “shot firing rules”) allotting to shot firers, and specifying, the duties to be performed by them on any occasion on which shot firing is about to be or is being carried on, and, in particular, but without prejudice to the generality of the foregoing words, the rules shall –
  - (a) specify a suitable system to secure by means of the posting of notices or sentries or otherwise, the giving of adequate warning that shot firing is about to commence to all persons within, near or

approaching the danger zone determined by the shot firer in pursuance of Regulation 30;

- (b) specify a suitable system to secure the giving of adequate signals for the purpose of notifying persons that shot firing for the time being is ended.
- (2) A copy of the shot firing rules made by the appropriate person shall be sent to the Committee.
- (3) It shall be the duty of the appropriate person who has made shot firing rules to ensure that the provisions of these rules are executed and enforced.
- (4) A shot firing rule which is inconsistent with the provisions of any Regulation shall, to the extent of the inconsistency, be of no effect.
- (5) If an inspector is of the opinion with respect to any shot firing rules that provision ought to be made for any matter for which provision is not for the time being made by such rules or that different provision ought to be made by such rules for any matter for which provision is for the time being made by such rules, the inspector may serve on the appropriate person a notice in writing stating that the inspector is of that opinion, specifying the matter for which, in the inspector's opinion, provision or, as the case may be, different provision ought to be made as aforesaid and the nature of the provision that, in the inspector's opinion, ought to be made, and requiring the appropriate person to amend the rules accordingly, and any such notice shall become operative within such period as may be specified therein.
- (6) If the appropriate person objects to any notice served under paragraph (5) the person may appeal to the Committee in writing, stating the reasons for the person's objection, within 14 days from the date of service of the relevant notice.
- (7) On any appeal made under paragraph (6) the Committee may –
  - (a) allow the appeal, if satisfied that the matter or matters in relation to which an inspector has served a notice under paragraph (5) do not need to be provided for in the shot firing rules in order to secure the safety of all workers likely to be affected by the said matter or matters or are already provided for in the said rules in a manner adequate to secure the safety of all workers likely to be affected by the said matter or matters.
  - (b) dismiss the appeal, if not satisfied as aforesaid, and may –
    - (i) without prejudice to the Committee's powers under clause (ii), direct that the shot firing rules shall be amended in accordance with the provision which the inspector has notified under paragraph (5) as being, in relation to a matter or matters in respect of which provision is not for the time being made, the provision which, in the inspector's opinion, ought to be made, and, in relation to a matter or matters in respect of which provision is for the time being made, the different provision which, in the inspector's opinion, ought to be made,

- (ii) direct that the shot firing rules shall be amended or further amended in relation to any matters in respect of which the inspector has served a notice under paragraph (5).
- (8) A copy of the shot firing rules for the time being in force shall be kept at the office at every quarry, building operation or work of engineering construction, and a copy of the rules shall be supplied to every shot firer and to every person to whom any duty has been allotted by the said rules.
- (9) A copy of the shot firing rules for the time being in force shall at all reasonable times be open to inspection by an inspector.

### **30 Warning and shelter**

- (1) Any shot firer who is about to carry out any shot firing shall, before shot firing is for the time being commenced, determine the danger zone likely to be created thereby and ensure that –
  - (a) the warning required by the relevant shot firing rules in pursuance of Regulation 29(1)(a) has been given; and
  - (b) no person is in the said danger zone unless the person has taken proper shelter:

Provided that nothing in this Regulation shall prevent the shot firer remaining in the said danger zone for the purpose of lighting a fuse.
- (2) The appropriate person shall ensure that any worker who does not understand English understands the meaning of the warning and signals required by the relevant shot firing rules in pursuance of Regulation 29(1)(a) and (b).

### **31 Shelters**

The appropriate person shall take such steps as may be necessary to secure that sufficient and suitable shelters are provided for the use of workers who are within the danger zone likely to be created when shots are fired.

### **32 Signals**

Any shot firer who has for the time being finished shot firing shall take such steps as may be necessary to ensure that the signals required to be given by the relevant shot firing rules in pursuance of Regulation 29(1)(b) are given.

### **33 Posting of sentries**

No person shall be posted as a sentry in pursuance of a provision of shot firing rules unless the person is an English speaking person who understands and is able to speak any other language which is spoken by any worker who does not understand English.

**34 Duties of sentries**

No person who has been posted as a sentry in pursuance of a provision of shot firing rules shall leave the place where he or she was posted until the signals mentioned in Regulation 32 have been given or the person has been directed so to do by the person who posted him or her.

**35 Duty to obey sentries**

No person shall pass a sentry who has forbidden the person to do so.

**36 Precautions after shot firing**

After the firing of every shot, the shot firer who fired it shall –

- (a) ascertain by personal examination whether it is safe for ordinary working to be resumed in each working place affected by that shot and ensure that any necessary action is taken to make each such place safe for such working;
- (b) in the course of the shot firer's examination examine for any miss-fires, for any sockets in the face, for any explosive remaining in any such socket and, if the shot firer has reason to think that any shot may not have completely exploded, for any unexploded part of the charge in the material brought down; and
- (c) if any unexploded part of the charge is found, either explode it by means of a primer cartridge or carefully remove it with a suitable tool made wholly of wood.

**37 Insertion of drills and other tools into shot holes**

No person shall introduce any drill or other tool made wholly or partly of metal into, or into the socket of, any shot hole in which a shot has been fired except in accordance with a scheme in force in pursuance of Regulation 64.

## **PART 5**

### **SHOT FIRING – ADDITIONAL PROVISIONS OTHERWISE THAN FOR HEADING BLASTING**

**38 Application of Part 5**

This Part shall not apply with respect to any heading blast.

**39 Charging of shot holes**

- (1) No shot firer shall charge a shot hole with any cartridge the diameter of which is not at least 1/8th of an inch less than the diameter of that shot hole.

- (2) No shot firer shall charge a shot hole of a depth exceeding 9 feet with any explosive other than explosive in the form of a cartridge or in a container, except if the back of that shot hole is lower than the mouth.
- (3) No shot firer shall –
- (a) for the purpose of charging or stemming any shot hole; or
  - (b) for the purpose of testing any shot hole in which there is explosive, use any tool in the shot other than a tool made wholly of wood or any other tool of a type approved for the purpose by the Committee:

Provided that if the depth of the shot hole exceeds 9 feet the tool may be made of wood with joints made of any suitable non-ferrous material, being a tool so constructed that any such non-ferrous material does not project beyond the level of the sides of the tool and cannot come into contact with any explosive in the shot hole.

#### **40 Cleaning of shot holes**

No shot firer shall begin to charge any shot hole unless it is free from such obstruction as would prevent cartridges of explosive from being in contact with one another.

#### **41 Opening of canisters**

No shot firer shall permit more than one case, canister or other container of any one type of explosive or of any one size of cartridge to be open at each shot hole at any one time for the charging of that shot hole.

#### **42 Filling of shot holes with explosives**

No explosive shall be violently or forcibly pressed into a shot hole.

#### **43 Use of gunpowder in shot holes**

No shot firer shall charge with gunpowder any shot hole in which a shot has previously been fired by means of safety fuse until 12 hours have elapsed since the firing of that shot.

#### **44 Charging of previously fired shot holes**

No shot firer shall charge a shot hole in which a shot has previously been fired by means other than safety fuse unless the hole has been so treated as to ensure that it is cool and that any burning material therein is extinguished and there have elapsed since the firing of that shot –

- (a) where the hole is to be charged with gunpowder, 2 hours;
- (b) in any other case, 30 minutes.

**45 Means of shot firing**

No shot firer shall fire any shot (whether or not in conjunction with detonating fuse) otherwise than by means of electric shot firing apparatus designed for the purpose or by means of safety fuse.

**46 Permitted number of shots using safety fuse**

Except where igniter cord is used, no shot firer shall attempt to fire more than 6 shots at any one time by means of safety fuse.

**47 Removal of surplus explosives etc.**

Where any shot is to be fired the shot firer shall ensure that all surplus explosives and detonators are removed from the vicinity of the shot hole before any attempt is made to fire a shot.

## **PART 6**

### **SHOT FIRING – ADDITIONAL PROVISIONS FOR HEADING BLASTING**

**48 General precautions in relation to explosives and detonators**

- (1) The appropriate person shall make and secure the efficient carrying out of arrangements to ensure that no explosive or detonator is placed in a heading for the purpose of a heading blast unless every shot fired for the purpose of or in connection with the making of that heading has previously been fired.
- (2) No shot firer shall fire any shot other than a heading blast in any heading in which any explosive or detonator has been placed for the purpose of a heading blast.

**49 Lighting in headings**

No lamp or light, other than a portable electric battery lamp or torch, shall be taken into or used in any heading in which any explosive or detonator has been placed for the purpose of a heading blast.

**50 Headings charged with loose grain explosives**

In every case in which a heading is charged with any gunpowder or any loose grain explosive for the purpose of a heading blast, no person shall be in that heading while it is being or after it has been so charged unless the person is, throughout the period during which the person is therein, wearing footwear having soles made wholly of rubber.

**51 Tools used for charging of headings**

- (1) No person shall in the course of charging or stemming a heading for the purpose of a heading blast use any tool, apparatus or appliance made wholly or partly of iron or steel, except where the charge has been stemmed by stemming which –
  - (a) consists of sand in sand bags, clay or turf; and
  - (b) is not less than one foot thick between any point at which the tool, apparatus or appliance can be applied and any part of the charge.
- (2) Nothing in paragraph (1) shall be construed as preventing the use in any heading of any vehicle made wholly or partly of iron or steel, being a vehicle suitable, and used for transporting materials, explosives or detonators in the heading.

**52 Detonating fuse used in heading blasts**

Any shot firer laying any detonating fuse in a heading for the purpose of the firing of a heading blast shall ensure that the fuse is adequately protected from any damage which might be caused thereto in the course of the charging or stemming of that heading.

**53 Duplication of detonating fuse**

No shot firer shall fire any heading blast otherwise than by means of detonating fuse which is duplicated and so connected as to form 2 separate paths of detonation to the heading.

**54 Precautions relating to the charging of headings**

The appropriate person shall make and secure the efficient carrying out of arrangements to ensure that in any case in which the operation of charging a heading with any explosive has been commenced, a watchman is continuously in attendance in that heading or at or within sight of the entrance thereof until that operation has been completed, the heading has been stemmed and any surplus explosives and detonators removed from the heading and from the vicinity of the entrance thereto.

## **PART 7**

### **PLAN OF HEADINGS AND SHOT HOLES**

**55 Plans to be kept**

- (1) The appropriate person shall make and secure the efficient carrying out of arrangements to ensure that there shall be kept at the office at every quarry, building operation and work of engineering construction, an accurate plan of every heading and every system of 3 or more shot holes showing the position, shape and dimensions thereof and indicating the amount and location of any explosives or detonators for the time being

therein. Every such plan shall be preserved until the expiration of one year after the date upon which the heading or system of 3 or more shot holes to which it relates ceases to exist.

- (2) The plan referred to in paragraph (1) shall at all reasonable times be open to inspection by an inspector.

## **PART 8**

### **MISS-FIRES AND PARTIAL MISS-FIRES**

#### **56 Miss-fires**

- (1) A single shot being fired by the combined operation of safety fuse and detonator shall be treated as a miss-fire if the detonator fails to detonate after the shot firer has withdrawn after once lighting or attempting to light the safety fuse.
- (2) A single shot being fired by an electrically fired detonator shall be treated as a miss-fire after the shot firer, having attempted unsuccessfully to fire the detonator, has –
- (a) disconnected from the shot firing apparatus any removable handle or key and the shot firing cable;
  - (b) after waiting 5 minutes, examined the cable and connections for any defect, and remedied any defect so found; and
  - (c) made a further unsuccessful attempt to fire the detonator.
- (3) A single shot or a round of shots being fired by the combined operation of safety fuse, detonator and detonating fuse shall be treated as a miss-fire if the detonator fails to detonate after the shot firer has withdrawn after once lighting or attempting to light the safety fuse.
- (4) A single shot or round of shots being fired by the combined operation of an electrically fired detonator and detonating fuse shall be treated as a miss-fire after the shot firer, having attempted unsuccessfully to fire the detonator, has followed the procedure described in paragraph (2).

#### **57 Partial miss-fires**

- (1) A single shot or a round of shots being fired by either the method described in Regulation 56(3) or the method described in Regulation 56(4) shall be treated as a partial miss-fire if, after detonation has taken place, the single shot or any shot in the round of shots, as the case may be, fails to explode.
- (2) A single shot or a round of shots being fired by the combined operation of igniter cord and safety fuse shall be treated as a partial miss-fire if, after the shot firer has withdrawn after once lighting or attempting to light the igniter cord, the single shot or any shot in the round of shots, as the case may be, fails to explode.

**58 General precautions – miss-fires**

In the event of a miss-fire, no person shall approach the shot hole or place where the charge was placed until, –

- (a) if the method of firing is that described in Regulation 56(1) or (3), there have elapsed, from the lighting of the safety fuse or the attempt to light it, not less than 30 minutes; or
- (b) if the method of firing is that described in Regulation 56(2) or (4), the shot firer has disconnected any removable handle or key and the shot firing cable from the shot firing apparatus, and there have elapsed, from the last attempt to fire the shot, not less than 5 minutes.

**59 General precautions – partial miss-fires**

- (1) In the event of a partial miss-fire of a kind described in Regulation 57(1) no person shall approach the shot hole or place where the charge was placed until at least 5 minutes have elapsed since the firing of the detonator.
- (2) In the event of a partial miss-fire of a kind described in Regulation 57(2) no person shall approach the shot hole or place where the charge was placed until at least 30 minutes have elapsed since the lighting or attempted lighting of the igniter cord.

**60 Drilling near miss-fires and partial miss-fires**

- (1) Any person drilling a hole near a miss-fire or partial miss-fire shall ensure that the hole is drilled in such a manner as to avoid touching or otherwise affecting any unexploded detonator or charge.
- (2) Following a miss-fire the leads or fuse of the detonator shall be attached by a string to the shot firing cable or to some distinctive marker.

**61 Dislodging of miss-fires and partial miss-fires**

Whenever any detonator and/or unexploded charge has been or may have been dislodged by the firing of another shot a search shall be made by the shot firer for the detonator and/or charge before any worker resumes work and before any further shot is fired at or near that place.

**62 Warning of miss-fires and partial miss-fires**

In the event of a miss-fire or partial miss-fire, the shot firer concerned shall forthwith give, or cause to be given, warning of the miss-fire or partial miss-fire to all persons approaching or likely to approach the shot hole or place where the charge was placed (as the case may be) and, where the shot firer is not also the appropriate person, notice thereof to the appropriate person.

**63 Additional duties of shot firer in event of miss-fire or partial miss-fire**

- (1) In the event of a miss-fire or partial miss-fire, the shot firer concerned shall –
  - (a) if the shot firer leaves the place where the miss-fire or partial miss-fire occurred before the completion of the appropriate procedure specified in any scheme in force in pursuance of Regulation 64 ensure that sufficient danger notices are erected to warn any person approaching the place; and
  - (b) record the fact of the miss-fire or partial miss-fire in a book provided for the purpose by the appropriate person.
- (2) The book referred to in paragraph (1)(b) shall at all reasonable times be open to inspection by an inspector.

**64 Scheme for remedial action**

- (1) The appropriate person shall ensure that there is at all times in force a scheme specifying the procedure to be followed in the event of a miss-fire and partial miss-fire and in the event of an unsatisfactory result of a test made in pursuance of Regulation 18(3) and that the scheme shall contain provisions for securing the safety of all workers in the vicinity.
- (2) The appropriate person shall ensure that a copy of the scheme is posted in such characters and in such positions as to be conveniently read by the workers and that a copy thereof is supplied to each shot firer.
- (3) A copy of the scheme required by paragraph (1) shall at all reasonable times be open to inspection by an inspector.
- (4) If an inspector is of opinion with respect to the scheme that the provisions contained therein are not adequate to ensure the taking of proper remedial action in the event of a miss-fire or partial miss-fire, or an unsatisfactory result of a test made in pursuance of Regulation 18(3), or to ensure the taking of proper safety precautions, the inspector may serve on the appropriate person a notice in writing stating that the inspector is of that opinion, specifying the nature of the provision which in the inspector's opinion ought to be made and requiring the appropriate person to amend the scheme accordingly and any such notice shall become operative within such period as may be specified therein.
- (5) If the appropriate person objects to any notice served under paragraph (4) the person may appeal to the Committee in writing, stating the reasons for the person's objection, within 14 days from the date of service of the relevant notice.
- (6) On any appeal made under paragraph (5) the Committee may –
  - (a) allow the appeal, if satisfied that the provisions contained in the scheme are adequate to ensure the taking of proper remedial action in the event of a miss-fire or partial miss-fire or an unsatisfactory result of a test made in pursuance of Regulation 18(3) and to ensure the taking of proper safety precautions; or
  - (b) dismiss the appeal, if not satisfied as aforesaid, and may –

- (i) without prejudice to the Committee's powers under clause (ii), direct that the scheme be amended in accordance with the provision which the inspector has notified under paragraph (4) as being the provision which, in the inspector's opinion, ought to be made,
- (ii) direct that the scheme shall be amended or further amended in accordance with such direction as the Committee may give.

## **PART 9**

### **GENERAL**

#### **65 Certificates of exemption**

The Committee may, subject to such conditions, if any, as may be specified therein, by certificate in writing (which it may at its discretion revoke at any time) grant exemption to any person, or in respect of any quarry, building operation or work of engineering construction or any part thereof, from the requirements of all or any of these Regulations.

#### **66 Penalties<sup>3</sup>**

- (1) Any person who contravenes or fails to comply with the requirements of Regulations 33, 34, 35, 58 or 59 shall be liable to a fine not exceeding £100 and in the case of a continuing offence, to a further fine not exceeding £10 for each day during which the offence continues.
- (2) Any person who contravenes or fails to comply with the requirements of Regulations 29(8), 55(1), or 64(2) shall be liable to a fine not exceeding £50 and in the case of a continuing offence, to a further fine not exceeding £10 for each day during which the offence continues.

#### **67 Citation**

These Regulations may be cited as the Explosives (Safety Provisions) (Jersey) Regulations 1972.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Explosives (Safety Provisions) (Jersey) Regulations 1972	R&O.5626	1 May 1972
Explosives (Safety Provisions) (Amendment) (Jersey) Regulations 1973	R&O.5781	7 February 1973

### Table of Renumbered Provisions

Original	Current
PART I	PART 1
PART II	PART 2
PART III	PART 3
PART IV	PART 4
PART V	PART 5
PART VI	PART 6
PART VII	PART 7
PART VIII	PART 8
PART IX	PART 9
65A	66
66	spent, omitted from this revised edition

### Table of Endnote References

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- <sup>1</sup> chapter 05.300, originally made under the *Safeguarding of Workers (Jersey) Law 1956* and continued in force under Article 29 of the *Health and Safety at Work (Jersey) Law 1989*
- <sup>2</sup> L.2/1956
- <sup>3</sup> Article 66 inserted by R&O.5781