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## 5.1 Introduction

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This chapter gives basic advice on legalities affecting RIGS groups. Whilst for most of us, thankfully, these laws will never be needed, a knowledge of them is essential. Whether the group is planning fieldwork, running an event, visiting a site to record or carrying out conservation tasks, these laws will apply to them. Here, the legal responsibilities relating to access, risk assessments, insurance, indemnity and land owners are all covered in some detail. There are extensive appendices to provide examples including letters, equipment lists and codes of practice. There is a wealth of references for further reading and we strongly recommend that groups refer to appendix 5.1 as it is not possible to provide here a definitive guide to all aspects of the law affecting RIGS groups.

The contents of this section were correct at the time of printing but the law of the land is subject to change. If in doubt, it is always worth rechecking with the local Health and Safety Executive. We have made every effort to ensure the integrity of the information in this chapter. We do not accept any legal responsibility for any omissions, inaccuracies or errors. **However, please remember that it is ultimately the individual group's responsibility to check access and safety requirements with site managers and landowners.**

## 5.2 Working in the field

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### 5.2.1 Current legislation and legal responsibilities

The health and safety laws and regulations are made under various statutes and passed by Parliament. In the near future, they will also be passed through the Scottish Parliament, Northern Irish Assembly and Welsh Assembly. Courts may issue penalties under these laws as non-compliance is classed as an offence against the State.

Most of the legislation regarding health and safety is aimed at the workplace. However, it is good practice for those groups involved in outdoor conservation work or events to also comply. For example, if an accident was to occur due to negligence on the part of a RIGS group member, the group could be sued. However, the courts would take a more lenient view if it can be demonstrated that precautions were taken. Groups are obliged to undertake a risk assessment, give clear safety instructions to participants and have a first aider present.

While few RIGS groups actually employ people, it is still important that members understand the various legislative requirements. Groups must make every effort to implement these regulations where possible and ensure that members work in a safe environment, whether they are employers or not.

### 5.2.2 Useful legislation for RIGS groups

Here are some laws which are likely to affect RIGS groups.

#### The Health and Safety at Work Act, 1974

Regulations that may be applied to the activities of RIGS groups include:

**Section 2a** – Safe systems of work must be provided. It is an employer’s responsibility to ensure that all members of the group and fieldworkers are given safe systems of working. For example, when working on a ladder, you should ensure it is properly secured or footed.

**Section 2c** – Provision of information and training. RIGS groups should ensure that all members have been given a copy of the Code of Practice for Geological Fieldwork (see appendix 5.14) They should also be given verbal instructions, demonstrations and training, if necessary. It is not always sufficient to give a member a leaflet on health and safety. It is important to ensure that they have understood it and know how to put it into practice. For example, demonstrating the correct and safest way to lift a heavy rock.

**Section 4** – Controllers of workplaces must ensure that they are safe and healthy. Quarry owners or operators have a duty to make visitors aware of any hazards or risks such as vehicles, loose faces and deep-water.

**Sections 7 & 8** – These relate to the members’ obligation to co-operate with group’s safety procedures. An individual’s responsibility is to themselves and so they must take appropriate care and not interfere with anything provided for their health and safety. If members are not prepared to comply with instructions concerning safety procedures they should not be allowed into the field. Members should at all times wear the necessary personal protective equipment (PPE) as stipulated by the manager or as directed by the RIGS group.

All the Health and Safety at Work duties should be undertaken as far ‘*as is reasonably practicable*’ (see sub-section 5.7.2). This is taken to mean the cost in terms of time as well as money. However, consideration of cost should not outweigh the benefits. RIGS groups should concentrate resources on controlling the highest risks.

## The management of Health and Safety at Work regulations 1992

This introduced the need for risk assessment. It is recommended that groups undertake a risk assessment whenever planning a visit to a site or outdoor conservation work. Important areas of the act to consider are:

**Regulation 3** – This specifies that a suitable and sufficient assessment of risk must be made. It is best to identify the hazards and risks and then consider prevention. This helps groups to comply with other regulations and shows that they are working towards a duty of care (see section 5.4 - Risk Assessment).

**Regulation 10** – This implies that site owners or operators must provide suitable information on their activities to all visiting groups on the hazards and risks connected with the site

## First aid at work regulations

These specify that suitable first aid cover should be provided for work being undertaken. This should be linked to assessed risk and the number of people at risk. It is recommended that each group have an Emergency First Aider among the party and, preferably, a Qualified First Aider for higher risk and remote areas.

## COSHH (Control of substances hazardous to health regulations) and control of pesticides

Where these controls are applicable groups should assess the need and choose the least hazardous substance available to achieve the work.

## Duty of care

Under common law, there is a duty of care towards members of the group and for members to each other. The most likely area to affect a visiting group is the law of torts or civil wrongs and the most relevant of these is negligence.



Negligence is where: *A duty of care can be shown to exist and that duty has been breached, and the breach of duty caused the harm or damage*

Where negligence is shown it is generally where one individual, or a group of individuals, seeks redress or compensation for damages inflicted as a result of negligence on the part of someone else. The State is not concerned with the outcome. Groups have a common law duty of care towards their members and, if that duty is breached and damage results, the group could be accused of negligence under civil law. While the group should have insurance to cover public liability and possibly personal accident, they would still need to show that they had not ignored their duty of care

## Reporting of hazards and dangerous substances (RIDDOR)

If the group is visiting an apparently abandoned site and a hazard such as an unprotected shaft, explosives or suspected dangerous substances are discovered, they should be reported to the police immediately

## Manual handling regulations

Manual Handling Regulations include procedures specifically applied to manual handling tasks such as lifting heavy objects.

## Other useful legislation

The forthcoming replacement of the law on quarries (HSE)  
Quarries Miscellaneous Health and Safety Provisions Regulations 1995  
The Mines and Quarries Act 1954  
The Occupiers Liability Act 1957 and 1984  
Duty of Care to Trespass 1984

## 5.2.3 How to find out more



*The following organisations or groups should be able to provide further help on the subject of health and safety:*

- ◆ **The local authority** – Most local authorities will have an environmental protection or health department. They will be able to provide information and leaflets on health and safety issues and their enforcement in the area
- ◆ **The local volunteer bureau** – They frequently deal with issues related to voluntary organisations and health and safety
- ◆ **BTCV** – BTCV is a national organisation which deals with a variety of voluntary issues including working with volunteers in the field, health and safety legislation regarding volunteers, first aid, risk assessment and training. Groups affiliated to BTCV can benefit from a range of services including insurance, access to field staff for advice, occasional use of equipment, training and information. Contact the BTCV information service ☎ 01491 839766
- ◆ **The Health and Safety Executive** – The Health and Safety Executive should be able to advise on up-to-date health and safety information ☎ (020) 7717 6000
- ◆ **The Department for Education and Employment** – The Department for Education and Employment may be able to offer some advice to those not covered by employment legislation ☎ (020) 7925 5000

## 5.3 Health and safety in the field

### 5.3.1 Clothing and personal protection equipment (PPE)

When selecting what to wear on a RIGS event, group members will obviously choose seasonal items that will keep them warm and dry or cool. However, it is vital to always wear the necessary clothing and personal protection equipment to prevent or reduce risk of injury. Such clothing and equipment may well be specified as a condition of access by the site owner/operator and entry refused to those people not properly attired. They are often under a legal obligation to ensure that groups comply.

Below is a useful ‘dress code’ for group members to consider before embarking on a RIGS venture.

- ◆ **Hard hats** should be worn where there is a risk of head injury, either from falling objects, projecting rocks or other obstructions. Avoid leaving hard hats in sunlight as the plastic of the helmet can become brittle and could crack open like an eggshell if dropped. Manufacturers recommend that helmets should be replaced every three or four years. They are relatively inexpensive and so, if in doubt, buy a new one.
- ◆ **Helmet chinstraps** are inexpensive and will ensure that the helmet stays in place in high winds and during strenuous activities such as hammering rocks.

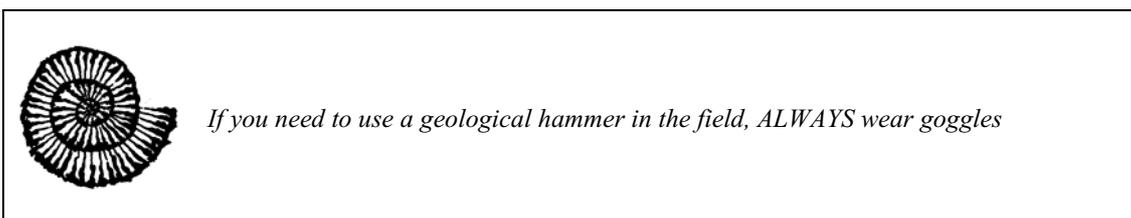


*“It used to be said that on building sites there were more people struck by falling safety helmets than by bricks.”*

- ◆ **High visibility jackets, vests or tabards** are mandatory at all working quarries and pits, railways and road cuttings in construction. They are recommended for general use on geological visits. Their purpose in a quarry is to enable drivers and plant operators to clearly see people. From a group leader's viewpoint, high visibility tops enable the various members of the party to be more easily kept under surveillance and, in the unfortunate event of injury, for them to be found among the rocks.
- ◆ **Protective goggles or industrial glasses** should be worn if rocks are being hammered both by the person hammering and any people nearby. On certain sites, such as cement works, wearing eye protection is mandatory and, on conducted tours, the operator will issue members with the correct eye protection that should be worn until instructed otherwise. Eye protection should always be worn when walking across dusty yards, or along site roads. This reduces the risk of grit particles blowing into the eyes.
- ◆ **Ear defenders** should be worn when surveying at or near a crushing plant, or similar noisy operation. The operator will normally issue the correct protective equipment. If not, areas of the site that require ear defenders to be worn should not be entered. Ear defenders should not be worn outside designated areas as they can prevent the wearer from hearing approaching vehicles or warning signals given by other people.
- ◆ **Industrial gloves** are strongly recommended. Those made from chrome leather are the most suitable and are inexpensive. Gloves will not offer complete protection but a hammer injury, for example, will be substantially less serious.
- ◆ **Industrial overalls or boiler suits** are worn by many Earth scientists over their ordinary clothes when visiting quarries or disused mine waste tips. These afford some protection to the legs and arms from sharp rocks, particularly in the event of a fall.
- ◆ **Footwear** is particularly important for RIGS groups. Ideally, members should wear boots or wellingtons with steel toecaps and at most quarries these are now mandatory. On landfill sites, steel insole protection is also required. Ensure that boots are in good condition. Operators often recommend boots with greater protection than steel toecaps.

See the equipment checklist in appendix 5.2 and the list of equipment suppliers in appendix 5.7.

### 5.3.2 Know your tools



#### Choosing the right hammer

A hammer is an essential part of a Earth scientists equipment and so it is best to ensure that it is as effective as possible. Ensure that it is a proper geological hammer designed for use on rocks. Carpenter's and engineer's hammers are not suitable for breaking rocks. A slater's hammer is useful on soft rocks and can be used for minor excavations into loose material. One hammer should not be used to strike another. To break up a rock or boulder, a heavy lump hammer may be used or, if necessary, a sledge hammer. Users should always ensure that no one is standing behind them before swinging it. The user should stand in a steady position and take care not to dislodge other rocks and cause a slide. If wearing gloves, members should ensure that they are able to provide a good grip on the hammer shaft.

## Using a chisel

Chisels should have rubber or plastic guards to protect hands from injury. Members should never walk about with a chisel or other sharp tools in their pocket. They should never clamber over loose boulders or slippery rocks carrying a hammer or any other tools in their hands. These tools are best carried in a strong bag slung across the shoulder, enabling the hands and arms to be kept free.

## Tool maintenance

Tools should always be kept in good condition and inspected a few days before use. Hammers with loose heads and steel chisels with burred heads should never be used. If a hammer has a wooden shaft and the head becomes loose, it should be properly secured with a metal wedge designed for this purpose.



*A trowel is the most suitable tool to use when dealing with loose material*

## 5.4 Risk assessment

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### 5.4.1 Background

As Earth scientists, we are often exposed to potentially dangerous situations. To minimise any risks to ourselves, it is always worthwhile for the leader of any field excursion, field trip or working conservation party to undertake a risk assessment. Examples of risk assessment forms can be found in appendices 5.3 and 5.4.

There are three main benefits in using a form:

- 1 Following the check list on the form may draw attention to certain hazards that might otherwise be overlooked
- 2 It helps leaders to get to know the site, and so ensures that people's safety and enjoyment are enhanced
- 3 It offers some protection to the leader since, in the event of an accident resulting in legal action they will be able to demonstrate that the potential hazards were considered in advance and that reasonable steps were taken to reduce the risk

Risk assessment procedures will vary depending on the site, the activity and who is involved. For example, a Rockwatch event involving many children will need a very different approach to when two RIGS members are undertaking a site survey.



*Risk assessment terms:*

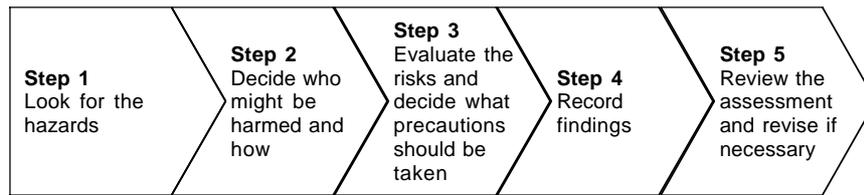
- ◆ A *hazard* is something that has the potential to cause harm (eg falling rocks or rising tides). It must be decided whether any of these hazards are significant
- ◆ A *risk* is the combination of the probability of a hazard actually causing harm and the amount of harm it can cause. It should be ensured that satisfactory precautions are taken so that the risk is minimal

## 5.4.2 Further information

The Health & Safety Executive produce a free leaflet *Five steps to Risk Assessment* (INDG 163(Rev 1) and a 30 page booklet of *Risk Assessment Case Studies* (HSG183) on sale from HSE Books. While these are primarily intended to enable employers and self-employed people in the commercial, service and light industrial sectors to assess risks in the workplace, the advice they contain can be used for assessing risks on geological excursions.

Contact HSE Publications, HSE Books. PO Box 1999, Sudbury, Suffolk, CO10 6FS  
☎ 01787 881165.

## 5.4.3 Five steps to effective risk assessment



*If unsure about a potential hazard, the leader should seek local advice, or consult someone with previous experience of the site in question*

## 5.4.4 Risk assessment in practice

**A coastal example** – Assessing risk is largely a matter of common sense. Take the example of a visit to a coastal exposure. One of the most obvious hazards is a rising tide. This is a high risk hazard since being cut off by the tide, with no means of escape from the beach, can result in members of the party being drowned. To minimise the risk the leader should consult a tidetable and select an appropriate falling tide to coincide with the activity. They should then put the necessary safety measures into practice by carrying out the visit at the specified time when the tide is going out, or is low. However, the experienced leader will also know that tides can be affected by strong on-shore winds and that, despite what the tidetable may say, some days the tide will come in very quickly. Any risk assessment undertaken before the day could change depending on circumstances.

The safety measures to be adopted will vary with the risks involved. These will usually directly relate to the site or area to be visited.

For examples of risks associated with particular sites consult appendix 5.5.

## 5.5 Dealing with accidents and emergencies

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### 5.5.1 General guidelines

However well planned a site visit might be, an accident or emergency could still occur. This may result in an injury. It is always best to be prepared for the unexpected.

It is strongly recommended that all those participating in outdoor event are aware of emergency procedures. They should know how to contact the nearest doctor or hospital and how to locate the first aid kit. This should not be left in the car. It is also recommended, particularly if there is an event or field excursion, that a qualified first-aider be present.

While immediate priority should be given to treating the injured person/s, no delay should occur in summoning additional help, including sending for an ambulance if necessary. If an accident takes place in a working quarry or pit, the manager, or deputy, must immediately be informed and they will generally take charge of the situation. It is their responsibility to report an injury or dangerous occurrence to their local enforcing agency. All members of the group must cooperate fully by providing detailed information regarding the incident.

Mobile phones can be very useful for summoning emergency help, particularly in remote areas. When visiting a working quarry or pit if possible a mobile phone should be carried along with the telephone number of the weigh bridge or office. Some managers will lend a two-way radio, for the duration of the visit in case of emergencies. If borrowing a radio, ensure that instructions have been given on its use.

### 5.5.2 First aid treatment



*RIGS groups are advised to obtain a copy of Dorling Kindersley's First Aid Manual which is the authorised manual of St Johns Ambulance, St Andrew's Ambulance Association and the British Red Cross. The seventh edition costs £10.99 and will be available from booksellers and direct from any of the official authors*

Legal guidance on first aid treatment is provided under The Health and Safety (First Aid) Regulations 1981.

There may be liability associated with giving first aid and it is advisable to be insured. This should be through public liability. Check with the insurer to be certain that members of RIGS groups are covered in these circumstances



*Apparently, there has only been one past case that has tested the legal situation. This ruled that any person acting within the limits of their own competence would not be accused of negligence. The key issue was identified as the level of competence. It was suggested that they should hold a current first aid certificate in order to demonstrate the appropriate level of competence*

**Source: The Red Cross**

Check with the insurer to be certain that members of RIGS groups are covered under these circumstances.

### 5.5.3 Key issues for RIGS groups

In order to afford the highest level of safety and be seen to be acting responsibly in the eyes of the law, RIGS groups are advised to:

- ◆ ensure that there are trained first aiders at RIGS 'events' and that they are covered by public liability insurance. If an accident occurred that required a first aider and one was not present, it would potentially cause more difficulty than if a first aider was there who could not deal with that situation
- ◆ the RIGS groups should have their own public liability insurance
- ◆ if they have insurance, are operating within their level of competence and can prove that competence, they are unlikely to be prosecuted if anything goes wrong

#### Where to get first aid information



- ◆ The recommended contents for a first aid kit can be found in appendix 5.6
- ◆ A list of equipment suppliers can be found in appendix 5.7
- ◆ St Johns Ambulance who offer a variety of training courses and advice on first aid. Emergency first aid training can be as little as £30 for a course. Contact ☎ (020) 7235 5231
- ◆ The British Red Cross provides information on first aid, publications, training and insurance. Contact ☎ (020) 7235 5454
- ◆ BTCV provides insurance cover and first aid information to their affiliated groups. Contact ☎ (01491) 839766
- ◆ The Health and Safety Executive can provide up to date information on first aid at work regulations. Contact ☎ (020) 7717 6688
- ◆ The Department for Education and Employment may be able to provide guidelines for individuals and groups that are not covered by employment law. Contact ☎ (020) 7925 5000
- ◆ The local ambulance service or college may be running a variety of courses. Their number will be in the local phone book or at your nearest library

### 5.5.4 Infectious diseases and working outdoors

#### Tetanus

It is recommended that RIGS group members who regularly work in the field are vaccinated against tetanus infection. Tetanus spores are commonly found in soils and may affect minor wounds where the skin is broken. Protection lasts for at least five years, after which a booster is required. Contact your local doctor for details.

#### Weil's disease

This serious and sometimes fatal infection is caught through contact with infected sewage or contaminated water. The bacterium *leptospirosis* is transmitted through infected rats' urine. Infection can occur through scratches and cuts on the skin or through the mouth, eyes, nose and

ears. The disease starts as a flu-like symptoms such as severe headaches and aching limbs, followed by jaundice and organ failure. The illness is treatable during the early stages with antibiotics. If, within four to six weeks of contact with sewage or contaminated water, these symptoms develop, members should immediately see a doctor and explain that they have been working in circumstances where they may have been at risk.

## Other infections

There are other infections, associated with working outdoors such as hepatitis or *toxocariasis*. A doctor can advise on particular risks.

## 5.6 Getting covered

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### 5.6.1 Public liability insurance

It is essential for RIGS groups to hold adequate Public liability insurance when carrying out any fieldwork, conservation tasks or working with the general public.. Many site owners and operators will ask to see a copy of a insurance certificate and may need to know the extent of the cover before granting permission for a visit. Public liability cover should be at least £2 million. This will generally cover legal liability for loss of or damage to property not owned or in the custody or control of the insured persons (ie the group). It should include cover for death of or injury or disease to persons, other than members of your group, which may occur as a result of a visit.

Having insurance does not mean freedom from responsibility. An insurer will need to see that all the reasonable precautions have been taken against any of the dangers identified through the risk assessment.

As with any insurance scheme it is important to be wary of excess charges, special conditions and exclusions. Groups should be aware that, if it is intended to take a vehicle onto a site, they may not be covered.

If insurance is not properly arranged and a claim for damages is made against a group, then their officers and members may be held responsible for meeting any costs. Most insurance brokers can arrange for Personal Public Liability insurance but this can prove very expensive. Very few individuals can afford to carry their own Public Liability insurance. It is wise to have cover for the whole group.

### 5.6.2 Personal accident

It is important that the members of the visiting group are made aware of the extent of their group's insurance well before the visit. This will ensure that they have adequate time to take out their own personal accident cover if the group's insurance does not cover this and they consider such insurance necessary.

Personal accident insurance should cover members in the event of any accidental bodily injury. Again, it is advisable to watch out for special exclusions such as liability during rock climbing and whilst using certain power tools in the field.

### 5.6.3 Insurance packages

There are currently two insurance packages relevant to Earth science groups. These may not be the only packages and other insurance schemes may be available through different companies.

#### The Geologists' Association with the Zurich Municipal Insurance Company

This is available only for local groups or societies affiliated to the Association. Affiliation currently costs £20 per annum (September 1999). The insurance is for Public Liability only and provides an indemnity up to £2 million. The annual premium for the year to 31 July 2000 is £36.40, which includes Insurance Premium Tax. The cost of potential legal expenses is not included in this cover.

#### The British Trust for Conservation Volunteers (BTCV)

This is only available to groups affiliated to BTCV. This package, however, includes both Public Liability, with a limit of indemnity of £5 million, and Personal Accident cover for all members of the group. The annual premium for the year to 30 June 2000 is £30.00, which includes Insurance Premium Tax. The annual membership/affiliation fee to BTCV is currently £25.00. The Statement of Cover issued by BTCV very clearly defines the details of their insurance package. BTCV insurers regard Earth science visits as conservation-related activities. This cover includes the cost of legal expenses.



*BTCV produces an insurance guide for groups affiliated to them which clearly defines and explains all the different policies and areas of insurance cover. Contact BTCV's Insurance Department for more details*

**BTCV**, Conservation Centre, 163 Balby Road, Doncaster DN4 0RH  
☎ 01302 572200

Many groups have switched from their previous insurance arrangements to one or other of the above insurance packages and have reported considerable savings in their premiums.

If a group is making an overseas trip they will need to contact their insurers in good time to ascertain if they can extend the cover for the countries they are planning to visit. This may be expensive but is advisable, particularly with regard to Personal Accident cover.

### 5.6.4 Other types of insurance

RIGS groups may be involved in conservation activities that necessitate the use of tools for site clearance and, as a result, may need special tools insurance. BTCV operates a scheme whereby tools can be insured against fire and theft. If a group operates power driven machinery, such as a chainsaw, they can extend the Personal Accident insurance held with BTCV by paying an additional premium.

If the group owns property they will need buildings insurance. Similarly, if the group employs people, they will need to take out employers liability insurance.

### 5.6.5 Sites owned by groups

It can be extremely difficult to obtain adequate insurance to cover loss or injury to persons visiting Earth science sites in the group's ownership. Many insurers may require extensive fencing and guard rails to be erected which can prove very costly, particularly when ongoing

maintenance is taken into account. If it is the intention to open a site to the public then it should be established exactly what safety requirements the insurers, and the local Environmental Health Officer, will require before proceeding.



*Ensure the members of your group clearly understand the extent of the cover being provided. They should satisfy themselves that this is adequate for the type of activities your group undertakes. If there is something in the proposal you do not understand, ask the broker or insurer to explain it*

## 5.7 Access and indemnity

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### 5.7.1 Important advice on access

Those groups who wish to visit geological exposures for educational purposes or to undertake fieldwork for RIGS purposes should be aware that in most cases the permission of the site operator and/or landowner is required.

Groups should always try to obtain permission in writing and take written documentation with them to the visit. Some landowners may be too busy to write so, if they have given verbal permission, it is advisable to write to them a week before the visit and thank them for doing so.

Whilst it is permitted to cross private land by way of a public footpath or bridle way, legally, users should keep to the marked route.

Going onto privately owned land without permission can be viewed as trespassing. Trespass is a civil offence in Scotland and a criminal offence in England and Wales. There are new regulations which have been imposed by the Government called 'Right to Roam' which allow access to certain tracts of privately owned land under certain circumstances.

For more information on the Right to Roam see  [www.wildlife-countryside.defra.gov.uk](http://www.wildlife-countryside.defra.gov.uk).



***Common Land** is a legacy from the time when much of our land was wild, ownerless and used in common. Although the manorial system gave it legal owners, the peasantry kept their customary rights to share in its produce such as grazing for stock and wood for the fire. Many of these rights were eradicated in the 19<sup>th</sup> Century due to enclosure, but a proportion of common land still exists. You can find out where it is as it now appears on official common land registers, compiled under the Commons Registration Act 1965. These records should be held by your relevant local authority. Common land exists in England and Wales only*

Many farmers, quarry operators and landowners are quite willing to permit access to visiting Earth scientists, providing the purpose of their visit is properly explained. It is also necessary to get permission to collect samples as any samples or fossils found are legally the property of the landowner. Legally, the removal of specimens without permission is theft and damage to exposures through hammering is aggravated trespass.

### 5.7.2 Public liability and indemnity

Unrestricted access to active and disused quarries is not possible, as they can be very dangerous places with hidden hazards. Access to active quarries and pits, by law, must be under the supervision of the site manager. This is addressed in the Mines and Quarries Act 1954, the

Health and Safety Act 1974 and the Occupiers Liability Act 1957 and 1984. The *occupier* will often need to see a copy of the group's public liability insurance before they can gain access and may require them to sign indemnity forms (see appendices 5.8 and 5.9 for examples).



*An **occupier** is taken to mean the owner, operator, landowner or site manager or who ever is responsible for the site*

*Occupiers* may also need indemnity forms for visits to disused quarries and pits. The indemnity form seeks to indemnify the site owner and/or operator against claims, demands, losses and costs which may arise out of or be incurred as a result of your visit. This means some of the responsibility for the safety of a visitor/s transfers from the *occupier* to the visitor. However, an indemnity form does not totally relieve the *occupier* of their responsibilities towards the group. There is still a legal responsibility on the *occupiers* to point out all known hazards *as far as is reasonably practicable*.



*'As far as is reasonably practical'. The occupier should ensure that they undertake all reasonable precautions to ensure the health and safety of any employee or visitor. This does not necessarily mean that the occupier will have to do a risk assessment every day and accompany a field worker each time they visit a disused quarry. In the event of an incident, however, the occupier must be able to demonstrate that they did everything within their means to ensure the health and safety of a RIGS group or field worker*

**Note:** This is a grey area in legislation and there is a lack of tested court cases or *case law* to determine what might happen if someone was injured and decided to sue for negligence. This is why it is important for **any** RIGS group to ensure they have public liability insurance that is up to date and do their utmost to ensure they have taken reasonable precautions to ensure the safety of their group and members.

Hertfordshire RIGS Group have designed an indemnity form they believe meets all the requirements from the site operator. This can be found in appendix 5.10. Although most quarry and pit operators will only accept their own indemnity forms, this example gives you an idea of what to expect.

If you have signed an indemnity form, have it with you in case you are challenged by a site manager. Even if you do not need to sign an indemnity form, it is important that you obtain permission, preferably in writing.

## 5.8 Collecting and sampling

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There are several published Codes of Practice regarding fossil and mineral collecting. These should be consulted before making a site visit for this purpose.

All contact details and description of most of these organisations can be found in chapters 2 and 3.

- 1 English Nature
- 2 Scottish Natural Heritage

- 3 Joint Nature Conservancy Council
- 4 Geologists' Association
- 5 Fossil collecting code of conduct for coastal exposures

The RIGS movement currently does not have a unified fossil, mineral and rock specimen collecting policy. However it is recommended that RIGS groups adopt good practice from the existing codes.

### 5.8.1 Compliance with other codes

It is important to be aware of other codes relevant to the visit or activity, and to ensure the requirements are fully complied with. Such codes will include the:

- ◆ Country code. Contact the Countryside Agency ☎ (01242) 521381. **Note:** whilst visiting a farmer's land, visitors may be requested to leave all gates as they were found. It will cause the farmer some annoyance and inconvenience if gates are shut that should be left open. However, this is less likely to cause a problem than if gates are left open that should be shut.
- ◆ Mountain Code. Guidelines available from the British Mountaineering Council (Access team) contact ☎ (0161) 445 4747
- ◆ National Park Authority regulations. The Lake District National Park Authority have recently imposed regulations at a site called Caldbeck Commons contact the LDNPA head office on ☎ (01539) 724555
- ◆ National Caving Association's Cave Conservation Policy. Available from:
 

The Conservation Officer  
**National Caving Association**  
 3 The Acorns  
 Oakhill  
 Bath BA3 1EU

## 5.9 Tracing landowners

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One of the most time consuming and difficult tasks encountered by RIGS groups is discovering land ownership and finding out who may be involved with a potential RIGS.

### 5.9.1 Unknown ownership

Unfortunately, the ownership of many sites is unknown. However, the following procedure can be used to investigate land ownership.

- ◆ Sites owned by the Wildlife Trusts or the National Trust. Sites owned or managed by these organisations are probably the easiest to deal with. Their sites are usually well documented and arrangements can be made for access. The same is generally true of sites in local authority ownership, such as country parks and wildlife or nature reserves. Mineral operators and quarry owners are also straightforward to deal with; they will either own the land that they are working, or know the landowners. Mineral operators can be traced through local authority minerals department. An operator will have to apply for planning permission to work a site and the operator's details may be available as a result

- ◆ Members within the RIGS group may be aware of the ownership of a particular site. The first port of call should be to check with them
- ◆ Local Statutory Conservation Agency officers may be able to help. All sites should be discussed with them before attempting to contact owners. They may be aware of access problems or ownership disputes.
- ◆ Contact the local authority planning department. They may be able to help you trace RIGS ownership details.
- ◆ The Parish Clerk (England and Wales) responsible for an area where a prospective RIGS is situated usually has information regarding the owner. A particular Civil Parish (CP) can be ascertained from the relevant 1:10,000 or 1:25,000 Ordnance Survey Pathfinder map and the telephone number of the clerk can be found in the area telephone directory. There is no equivalent officer in Scotland.
- ◆ Town councils and the electoral roll may also be of use tracing landowners
- ◆ If all else fails, the search must be taken into the field. This will involve knocking on doors, and, if the landowner does not stay at the address visited, tenants or neighbours may be able to help
- ◆ Try contacting the land registry. They may be able to provide ownership details at a small cost. 🏠 [www.landreg.gov.uk/home.htm](http://www.landreg.gov.uk/home.htm)

## 5.10 Approaching landowners

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Any liaison with landowners, whether written correspondence or a phone call, must be conducted in a polite and courteous fashion. Be friendly, honest, helpful and positive at all times and, if deemed necessary, a degree of professionalism and appropriate formality should be used.

## 5.11 Providing information for landowners

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Landowners and managers on whose land a potential RIGS has been identified, in most cases, should be formally notified of the RIGS interest and of the geological importance of the site.



*Essential information to pass on to owners and manager of new RIGS sites:*

- ◆ Information about what RIGS are and any implications of having a RIGS on their land
- ◆ A map showing a clearly defined site boundary
- ◆ A brief description, in layman's terms, stating why the site has been chosen as a RIGS
- ◆ A full geological site description, if available, to accompany the simplified interpretation
- ◆ Where information is copied to and who it is held by

After providing the information, a group member should make a follow-up call to the owners/managers to discuss any queries or concerns they might have. It is also a good idea to try and arrange a meeting with the owner to discuss the merits of the RIGS interest on their land and allay any fears they may have. An astute landowner may well have his solicitor present at such a meeting - be prepared to deal with queries from a legal viewpoint.

Many RIGS groups have produced information for site operators and landowners. All of these can be found in the appendices of this chapter.

- ◆ Derbyshire RIGS Group provide a guidance leaflet for owners and occupiers (see appendix 5.16)
- ◆ The Association of Welsh RIGS Groups provides owners of potential RIGS with a bilingual leaflet explaining RIGS (see appendix 5.17)
- ◆ Devon RIGS Group wrote to landowners to explaining RIGS is following a visit (see appendix 5.18)
- ◆ Peterborough RIGS Group gives an explanation of RIGS to landowners before a site goes through the designation process (see appendix 5.19)

### 5.11.1 Taking samples and specimens

There are several codes of practice available on this subject (see section 5.8). By far the greatest proportion of mineral and fossil specimens in museums have been found by amateur collectors.



*Remember, in most circumstances, any finds are the property of the site owner and you will need permission to collect*

National museums may only wish to display finds of national or international importance, whereas local museums are often pleased to receive local specimens to add to their existing collections. Very few local museums have a geologist, palaeontologist or mineralogist on their staff and will often welcome help in identifying and labelling their specimens. The alternative is to see if your local or county library has a cabinet in which material can be displayed for a month or so.



*The Geological Curators Group will be able to inform you which museums do have Earth scientists. See the Who's who in chapter 2*



*Some building societies have also been helpful in providing window displays when they are made aware of the interest behind the marble or granite used in their frontage*

## 5.12 Making and maintaining good relations with landowners

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Contacting landowners can be a laborious process. This is mainly due to the large amount of time, effort and long-term commitment required during the different stages of contact. However, maintaining good relations with landowners is important for the effective conservation and protection of RIGS.

The owner of the land is ultimately responsible for the management and conservation of a RIGS situated on their land. In addition, a site owner is normally responsible for any accidents that may occur on the land, even if an individual or group is trespassing. Landowner liaison is often not the most appealing aspect of site designation and notification. It often involves trying to build bridges where they are not always welcome. A degree of resilience and understanding is required from those involved with liaison work, together with the ability to maintain a consistent, careful approach.

The quality of the relationship with the owners of RIGS can be a major factor in the success of the system. Obviously, if one is unable to communicate rationally and purposefully with a landowner, there is little chance of being able to develop the site further for RIGS purposes. Obviously, this should be a rare situation and would be most likely to arise if there is a lack of communication and understanding between both parties.



### *A general code of practice for communicating with landowners*

Some key words that would help govern a successful system of land ownership liaison include:

- ◆ courtesy
- ◆ professionalism and appropriate formality
- ◆ clarity and honesty
- ◆ positiveness
- ◆ helpfulness
- ◆ feedback
- ◆ diplomacy

Failure to act on these principles can seriously damage relations with landowners, particularly during the initial contact, as this provides the foundation for any further liaison. At this point, first impressions really do count.

Landowners should be involved very early on in the process if any development of a site is proposed. Every reasonable effort should be made to keep landowners informed at every stage about any developments relating to RIGS on their land. This could range from any site development work needing to be undertaken, through to new discoveries made on the site.

Approaches and dealings with landowners should always be pitched as appropriate to the individual you are dealing with. Some landowners are very knowledgeable and have a background knowledge of Earth heritage conservation. Conversely, use layman's explanations if a landowner is unfamiliar with Earth science and don't baffle landowners with terms and ideas that they have never come across. Always keep information accessible.

To sum up, since RIGS are not statutory conservation sites, you must convince landowners, simply and concisely, in layman's terms, of the value of RIGS on their land.

## 5.13 Dealing with problems

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In the majority of cases, problems with landowners will not exist. Difficult situations involving landowners are most likely to occur when the landowner holds reservations about the site and may object to involvement in a site. It is always best to address such questions and problems as early as possible when contacting them (see appendices 5.17, 5.18 and 5.19).

### 5.13.1 Concern over development restrictions and extraction rights

The landowner may object to a RIGS designation, fearing planning 'blight'. Planning 'blight' is where landowners believe that the site designation will bring about difficulties if they wish to develop their land. Usually, this sort of objection will specifically refer to the information being made available to local authorities regarding their site on designation of a RIGS.

However, a RIGS designation is unlikely to have this effect on planning permission as it is a non-statutory conservation designation. RIGS are only deemed important on a local or regional scale. Development is normally 'preferred against' in those areas notified as RIGS in local authorities' development plans. This is the only restriction to development.

Recognition of a RIGS could be in the interest of a would-be developer. A potential developer could seek advice, informally, on the implications of a particular proposal and establish whether objections are likely. In taking this advice into account, the developer may be able to submit a proposal that is unlikely to receive objections. As a result, the developer may save the time and money spent on a planning application which could fail or come up against strong objections.

### 5.13.2 Fear of public access implications

A common concern among landowners is that 'recognising' a piece of land in this way will serve to advertise it and attract the public. In rural situations, this can sometimes be the owner's greatest fear. There is no evidence to suggest that designating RIGS status has this effect. It should be made clear to the landowner that the existence and location of RIGS will not be widely broadcast, and though it may, strictly speaking, become public knowledge through publication on a Local Plan proposals map, this is very unlikely to draw public attention.

Since landowners have no obligation to allow access onto their land, it would only be by prior arrangement that groups, such as students, schoolchildren and the general public would be able to gain access. It should be stressed to a landowner that this is the case.

Beyond the obvious concerns relating to public access, landowners may raise concerns relating to insurance. Be prepared to reassure landowners on this issue. For example, rock faces can be made safer and be studied without being a public liability and needing grading. Access to the site could be restricted only to those groups who have their own public liability insurance cover and groups with qualified leaders and first aiders. If necessary, access to children or the general public could be restricted, perhaps leaving the site open to research groups only.

Remember, however, the RIGS initiative is not just focused on the protection of important Earth heritage but also on the provision of sites for educational purposes at all levels.

### 5.13.3 What to do when RIGS are objected to

Always remember to follow the code of practice guidelines set out *Making and maintaining good relations with landowners*, section 5.12. If you are polite, obliging and respectful of the landowner's wishes, the landowner might have a change of heart with regard to the proposed RIGS on their land. Alternatively, ownership may change. If you are rude and aggressive, it is highly unlikely that the proposed RIGS and permission for access will be granted.

Look for alternatives near to the site. Other near-by quarries or exposures may show similar features and may be in more favourable land ownership.

### 5.13.4 Differences across Scotland, Wales, Northern Ireland and England

Although dealing with land ownership across the UK is broadly the same, there are some differences existing throughout the countries. There are four relevant statutory agencies dealing with conservation issues. They may be able to help and inform you of regional differences.

The law of trespass is different across the UK. In Scotland trespass is only a civil offence and the penalties associated with trespass are not as heavy as in England and Wales where it is a criminal offence.

Parish councils exist only in Wales and England and so contacting the parish clerk in Scotland is near impossible.

In Scotland, unlike England and Wales, Community Councils exist but they do not have any powers devolved to them through the local authority. The chairperson of a community council will hold the equivalent position to the Parish Clerk in Wales and England. They can help with enquiries about land ownership in the same way that a Parish Clerk might.

Landowners in Scotland are sometimes difficult to trace. This is due to the large number of people who live overseas and yet own estates and parts of estates throughout Scotland, especially in the Highlands and Islands region. The actual owners may, sometimes, never be traced. However, tenants of the land should be able to put groups in touch with the estate factor. The factor is likely to have authority to deal with business, such as RIGS designation, on behalf of the owners.

It is worth noting that in Wales, general information regarding RIGS is presented to landowners bi-lingually (see appendix 5.17), as Welsh is very much a living language, widely spoken as a first language throughout many parts of the country. It may be beneficial to do the same in some areas of Scotland such as the Highlands and Islands where Gaelic is still commonly spoken. Many educational establishments offer Gaelic classes through their extra-mural/adult learning departments. This approach to introducing landowners to the concept of RIGS will help to bridge some gaps and effectively address concerns that landowners might have.

## 5.14 The impact of RIGS on landowners

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As RIGS are a non-statutory conservation designation, the implications for landowners are normally few. However, the site will be included in a RIGS register or local plan held by the local government authorities (see section 3.6). This would be consulted in any future planning application affecting the land to enable the geological interest in the site to be considered.

No action beyond the notification of a RIGS site can occur without full consultation and the consent and cooperation of the landowner or land manager. The RIGS scheme is a voluntary initiative and depends on partnership within the community.

In certain cases, owners and managers of sites with geological interest may actually benefit from their designation. Where there is more than one interest at a site – for example, geology, archaeology and conservation – it is more likely to attract payments for conservation. More wide-ranging interests at the site lead to more visitors being attracted. Such collaboration of interests can show links between related disciplines such as wildlife and geology. Multi-interest sites have a better chance of attracting funds from the Heritage Lottery Fund.



*Your local authority or local Statutory Conservation Agency may be able to advise you of any schemes that will help landowners to manage sites for conservation purposes*

If a site is derelict and potentially unsafe, a site owner may benefit, in public liability terms, if some tidying-up and conservation management work is undertaken – but first make sure that the unsafe areas are made safe by experts. Such an agreement may not necessarily lead to wider public access, but could allow limited access for Earth scientists in exchange for improving the appearance and safety of a site.

## 5.15 Publicising sites not owned by the group

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Groups wishing to include a site in a trail, leaflet, publication or press release should first obtain the permission of the site owner or operator. They may be agreeable to this as it could lead to good publicity. Others may insist that the statement ‘permission from the landowner is needed’ is added to the publicity. Some owners may not wish groups to publicise the site as it has health and safety implications for them as an owner. If groups are seen to be encouraging visitors to a site where there is no public access or the landowners permission is needed they could be held liable if an incident or accident occurred.

## 5.16 Evaluating visits

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It is always useful for the RIGS group to evaluate any visit to a site, particularly the risk assessment, as soon as possible after the visit. The evaluation should include all aspects of the visit including parking and other facilities provided by the site, ease of access, whether any complaints were raised by any of the members and if there were any incidents or changes that may affect future fieldwork.

Whatever the purpose of the visit or the outcome of the survey it is important to send a thank you. Advise the landowners of the results of the visit and of any interesting discoveries or finds as soon as is practical. If any problems were experienced as a result of misinformation from the site operators or there is anything you feel you need to report, these should be brought to the site owner’s attention.

## 5.17 Field excursions

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Many RIGS groups are involved in leading events. If a group is considering leading a field trip or excursion, it is considered good practice to take certain health and safety precautions. The principles are the same for many aspects of health and safety, such as risk assessment. There are also certain recommendations for first aid (see section 5.5). More guidelines concerning field excursions are given in appendix 5.20.