
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 427

The Mines Regulations (Northern Ireland) 2016

PART 1

INTERPRETATION AND GENERAL

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the Mines Regulations (Northern Ireland) 2016.
(2) These Regulations shall come into operation on 1st February 2017.

Commencement Information

- II** [Reg. 1](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Interpretation

- 2.—(1) In these Regulations—
- “the 1969 Act” means the Mines Act (Northern Ireland) 1969(1);
 - “the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978;
 - “the 1995 Regulations” means the Mines and Quarries (Tips and Tipping Plans) Regulations (Northern Ireland) 1995(2);
 - “the 2006 Regulations” means the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006(3);
 - “abandoned mine” means—
 - (a) a mine to which section 129 of the 1969 Act applied immediately before the date on which these Regulations came into operation; or
 - (b) a mine in respect of which a notice of abandonment has been given;
- [^{F1}“action level” in relation to respirable dust, means a concentration in air equal to or greater than 3mg/m³ as a time-weighted average over a 40 hour period;]
- “appoint” in relation to a person means appoint in writing with a statement summarising the person’s duties and authority;
- “auxiliary fan” means a fan used or intended to be used at a mine wholly or mainly for ventilating a heading, drift or blind end;

(1) 1969. c.6 (N.I.)

(2) S.R. 1995 No. 296

(3) S.R. 2006 No.425 as amended by S.R. 2009 No. 248

“competent” in relation to a person means a person with sufficient training and experience, or knowledge and other qualities, to enable that person properly to undertake the duties assigned to that person;

“conveyance” means any carriage, cage, skip or kibble in which persons, minerals or materials are wound through a shaft;

“COSHH” means the Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003(4);

“counterweight” means a frame containing weights connected into a single conveyance winding system to reduce the out of balance static loads within the system;

“danger area” means any part of the mine below ground which is not for the time being safe to work in or pass through;

“DSEAR” means the Dangerous Substances and Explosive Atmospheres Regulations (Northern Ireland) 2003(5);

“escape and rescue plan” has the meaning given in regulation 54;

“emergency” means a situation which renders necessary the evacuation or rescue (or both) of persons from a mine;

“explosive article” means an article containing one or more explosive substances;

“explosive substance” has the meaning given in regulation 2(1) of the 2006 Regulations;

“explosives” means explosive articles or explosive substances;

“gas outburst” means a sudden release of gas with or without the projection of minerals or rocks;

“ground control measure” means a measure designed to control the movement of the ground, including the provision and installation of support materials;

“health and safety document” has the meaning given in regulation 9(1);

“health surveillance” means an assessment of the state of health of a person, in relation to exposure to inhalable dust;

“inhalable dust” means airborne material which is capable of entering the nose and mouth during breathing, as defined by BS EN 481: 1993(6);

“inrush” means a sudden, unexpected inflow into the mine having the potential to expose persons to danger;

“lower explosive limit” means the minimum concentration of vapour in air below which propagation of a flame will not occur in the presence of an ignition source;

“the Management Regulations” means the Management of Health and Safety at Work Regulations (Northern Ireland) 2000(7);

“mine” has the meaning given in regulation 3;

“mine operator” means—

- (a) in relation to a mine, the person who is in control of the operation of the mine; and
- (b) in relation to a mine which is to be constructed or operated, the person who proposes to control its operation or (if that person is not known) the person who in the course of a trade, business or other undertaking carried on by that person has commissioned its design and construction;

(4) S.R. 2003 No.34 as amended by S.R. 2003 No. 288 and S.R. 2005 No. 165

(5) S.R. 2003 No.152

(6) British Standard: Workplace atmospheres. Size fraction definitions for measurement of airborne particles.

(7) S.R. 2000 No.388 as amended by S.R. 2001 No. 348, S.R. 2003 No. 454 and S.R. 2006 No. 255

“misfire” means an occurrence in relation to the firing of shots where—

- (a) testing before firing reveals broken continuity which cannot be rectified; or
- (b) a shot or any part of a shot fails to explode when an attempt is made to fire it;

“notice of abandonment” means a notice given under regulation 6(3) that a mine has been abandoned;

“notifiable tip” has the meaning given in regulation 63;

“overwind” means unintentional overtravel of a conveyance or counterweight beyond the limits set by a device installed for the purpose of preventing such overtravel;

“owner” means the person entitled for the time being to work a mine;

“potentially hazardous area” has the meaning given in regulation 34;

“PUWER” means the Provision and Use of Work Equipment Regulations (Northern Ireland) 1999(8);

“respirable dust” means airborne material which is capable of penetrating the gas exchange region of the lung, as defined by BS EN 481: 1993;

“respiratory protective equipment” means equipment which is intended to be worn or held by a person at work and which protects that person against risks to that person’s health from inhalation of harmful substances, and any addition or accessory designed to meet that objective;

“rockburst” means a sudden, violent failure of stopes, pillars, walls or other rock buttresses adjacent to or in the mine workings;

“self-rescuer” means respiratory protective equipment designed for use while escaping from a mine;

“shaft” includes a staple-pit, raise, winze, or any similar excavation (whether sunk or in the course of being sunk);

“shot” means a single shot or a series of shots fired as part of one blast;

“shotfirer” means a person appointed in accordance with the mine operator’s written procedures to be responsible for shotfiring operations;

“tip” means an accumulation or deposit of any refuse from a mine (whether in a solid or liquid state or in solution or suspension) other than an accumulation or deposit situated underground, and includes, but is not limited to—

- (a) overburden dumps, backfill, spoil heaps, stock piles and lagoons, and
- (b) any wall or other structure that retains or confines a tip;

“tips rules” has the meaning given by regulation 66;

“ventilation plan” has the meaning given by regulation 59;

“winding apparatus” means mechanically operated apparatus for lowering and raising loads through a shaft and includes a conveyance or counterweight attached to such apparatus and all ancillary apparatus.

(2) For the purposes of these Regulations, a mine is treated as being worked at any time when—

- (a) there are persons at work below ground; or
- (b) plant or equipment is in operation at the mine to maintain the safety of that mine or of any other mine; or
- (c) the operation of sinking a shaft or driving an outlet is being undertaken at the mine.

(3) For the purposes of these Regulations, the mine with which a tip is associated is determined as follows—

- (a) in the case of a tip on premises which are deemed to form part of a mine, the tip is associated with that mine;
- (b) in the case of a tip not falling within paragraph (a) but on premises which, at any time after the date on which these Regulations come into operation, have been deemed to form part of a mine, the tip is associated with that mine, or (if applicable) the most recent mine of which the tip has been deemed to form part; and
- (c) in any other case, the tip is associated with the mine from which refuse is deposited on the tip, or, in the case of a tip which is used for the deposit of refuse from more than one mine, whichever of those mines the Executive directs in writing.

F1 Words in [reg. 2\(1\)](#) substituted (21.3.2022) by [The Mines \(Amendment\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/9\)](#), [regs. 1, 2\(2\)](#)

Commencement Information

I2 [Reg. 2](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Meaning of “mine”

3.—(1) This regulation defines “mine” for the purposes of these Regulations.

(2) “Mine” means an excavation or system of excavations (including all excavations to which a common system of ventilation is provided) made for the purpose of, or in connection with, the extraction, wholly or substantially by means involving persons working below ground, of—

- (a) minerals (in their natural state or in solution or suspension), or
- (b) mineral products.

(3) A mine is deemed to include so much of the surface (including buildings, structures or works on it) surrounding or adjacent to the shafts or outlets of the mine as is occupied with the mine for the purpose of, or in connection with—

- (a) working the mine,
- (b) the storage, treatment or preparation for sale, consumption or use of minerals or mineral products extracted from the mine, or
- (c) the removal from the mine of minerals or mineral products extracted from it or of refuse from it.

(4) A mine is not deemed to include premises in which a manufacturing process is carried on for a purpose other than—

- (a) working the mine, or
- (b) the preparation for sale of minerals extracted from the mine.

(5) Premises used to deposit refuse from a single mine and occupied exclusively by the owner of the mine are deemed to form part of the mine.

(6) Premises used to deposit refuse from two or more mines and occupied by the owner of one of the mines (either exclusively or jointly with the owner of the other or any of the others) are deemed to form part of whichever of the mines the Executive directs in writing.

(7) A railway line serving one or more mines, other than a line falling within paragraph (3) or belonging to a railway company, is deemed to form part of the mine or (if more than one) of whichever of the mines the Executive directs in writing.

(8) A conveyor or aerial ropeway provided for the removal from a mine of minerals extracted from it, or of refuse from it, is deemed to form part of the mine.

Commencement Information

I3 Reg. 3 in operation at 1.2.2017, see [reg. 1\(2\)](#)

Application of these Regulations

4.—(1) Subject to paragraphs (2), (5) and (6), and except where a contrary intention appears, these Regulations apply to all mines.

(2) Subject to regulation 69 (plans of abandoned mines), these Regulations do not apply to abandoned mines.

(3) These Regulations apply to a tip if—

- (a) the tip is on premises which are deemed to form part of a mine under regulation 3; or
- (b) the tip is not on such premises but the mine with which it is associated has not been abandoned and the premises on which the tip is situated continue to be occupied exclusively by the owner of that mine.

(4) If a tip is not, apart from this regulation, deemed to form part of a mine under regulation 3 by reason only that part, but not the whole, of the premises on which the tip is situated is occupied exclusively by the owner of the mine, the tip is deemed to be one to which these Regulations apply and the premises on which it is situated are deemed to form part of the mine with which it is associated.

(5) The Executive may by direction in writing given to the mine operator and owner direct that, as from such day as may be specified in the direction, a tip or part of a tip is, for the purposes of paragraph (4), one to which these Regulations no longer apply.

(6) If the whole or any part of a tip which, apart from this paragraph, would be a tip to which these Regulations apply is appropriated to some use which, in the opinion of the Executive, is inconsistent with the resumption of tipping operations on the tip, or on a particular part of it, the Executive may direct in writing that, as from the day specified in the direction, the whole or part or any part of the tip that is specified in the direction ceases to be a tip to which these Regulations apply.

(7) Where a direction is made under paragraph (5) or (6), the premises on which the tip (or part of the tip) is situated cease to be part of the mine with which the tip is associated.

(8) Part 8 of these Regulations applies to a tip on premises which are occupied exclusively by the owner of an abandoned mine and which are used for depositing refuse from another mine as if the person who is in control of the tip were the mine operator.

Commencement Information

I4 Reg. 4 in operation at 1.2.2017, see [reg. 1\(2\)](#)

PART 2

HEALTH AND SAFETY MANAGEMENT

Duties of the owner

5.—(1) The owner of a mine shall not appoint another person to be the mine operator unless that person is suitable and has sufficient resources to be able to operate the mine safely.

(2) Where the owner of a mine appoints another person to be the mine operator, the owner shall provide the mine operator with any relevant information that is available, or that becomes available, about circumstances that might affect the health and safety of persons at the mine.

(3) Where the owner of a mine appoints another person to be the mine operator, a written statement of that appointment shall be signed by the owner and the mine operator and a copy shall be provided to the mine operator.

(4) The owner shall keep the record, and the mine operator shall keep the copy, referred to in paragraph (3) for the duration of the appointment.

Commencement Information

I5 [Reg. 5](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Notification of mining operations

6.—(1) At least 28 days before a mine is worked, the mine operator shall notify the information specified in paragraph (2) to the Executive in writing.

(2) The information to be notified under paragraph (1) is—

- (a) the name and address of the mine;
- (b) the name and address of the owner; and
- (c) the name and address of the mine operator and whether the mine operator is an individual, a corporation or a partnership.

(3) Where an event specified in paragraph (4) occurs, the mine operator shall notify the Executive in writing of the event within 28 days of that event occurring.

(4) The events to be notified to the Executive under paragraph (3) are—

- (a) any change in the name, address or location of the mine;
- (b) any change in the name, address or location of the mine operator;
- (c) the use of a mine for a purpose other than the extraction of mineral;
- (d) the abandonment of the mine or a seam or vein system, shaft or outlet.

(5) In the case of a mine which is in existence or under construction at the date these Regulations come into operation, subject to regulation 71 (transitional provisions: general), notification that has been made under section 118 of the 1969 Act⁽⁹⁾ is deemed to be notification under paragraph (1).

Commencement Information

I6 [Reg. 6](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

(9) Section 118 was amended by [S.R. 1999 No. 150](#)

General duties of the mine operator

7.—(1) The mine operator shall take the necessary measures to ensure, so far as is reasonably practicable, that the mine and its equipment are designed, constructed, equipped, commissioned, operated and maintained in such a way that persons at work can perform the work assigned to them without endangering their own health and safety or the health and safety of others.

(2) The mine operator shall coordinate all measures relating to the health and safety of persons at work at the mine and their implementation.

(3) The mine operator shall ensure that, in the event of the abandonment or ceasing of operations at a mine, the mine is left, so far as is reasonably practicable, in a safe condition.

Commencement Information

I7 [Reg. 7](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Co-operation

8. Every employer of persons at work at a mine and every person at work at a mine shall co-operate with the mine operator to the extent necessary to enable the mine operator to comply with the relevant statutory provisions.

Commencement Information

I8 [Reg. 8](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Health and safety document

9.—(1) The mine operator shall ensure that no work is carried out at the mine unless a document (in these Regulations referred to as the “health and safety document”) has been prepared which—

- (a) demonstrates that the risks to which persons at the mine are exposed have been assessed in accordance with regulation 3 of the Management Regulations(**10**);
- (b) demonstrates that adequate measures, including measures concerning the design, use and maintenance, including (where appropriate) testing, of the mine and of its equipment, have been and will continue to be taken to safeguard the health and safety of persons at the mine;
- (c) includes a statement of how the measures referred to in sub-paragraph (b) will be co-ordinated; and
- (d) records the following information—
 - (i) rules required by regulation 12; and
 - (ii) the conclusions of any appraisal or assessment of a tip undertaken in accordance with regulation 61 or 62 (as applicable).

(2) In addition to the matters referred to in paragraph (1), the health and safety document shall, where appropriate, include—

- (a) a plan detailing the equipment and measures required to protect persons at work at the mine from the risk of explosion;
- (b) where toxic gases are or may be present in the atmosphere at the mine in such concentration that the atmosphere may be harmful to the health and safety of persons at work, a plan

(10) Regulation 3 was amended by [S.R. 2001 No.348](#)

detailing the equipment and measures required to protect persons at work at the mine from the harmful atmosphere; and

- (c) in respect of any zone below ground where rockbursts or gas outbursts may occur, a description, including an operating plan, setting out as far as possible the zones susceptible to such rockbursts or gas outbursts and the measures necessary for the protection of persons at work in, approaching or passing through such zones.

(3) In relation to the escape and rescue plan required by regulation 54, the health and safety document shall identify those with responsibility for the preparation and execution of the plan and the places where the plan and copies of it are kept.

(4) The mine operator shall ensure that the health and safety document is—

- (a) reviewed from time to time and kept up to date; and
(b) made available to each employer of persons at work at the mine and to all persons at work at the mine.

(5) The mine operator shall ensure that the measures identified in the health and safety document are taken and any plans included in the document are followed.

Commencement Information

I9 [Reg. 9](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Management structure

10.—(1) With a view to securing the health and safety of persons at work at the mine, the mine operator shall—

- (a) establish a management structure which enables the mine to be operated in accordance with the relevant statutory provisions;
(b) make a record of the management structure and the extent of the authority and duties of persons in that structure;
(c) appoint a competent individual to be responsible for the overall management of the mine, provided that where the mine operator is an individual and is competent, the mine operator may discharge the functions of that competent individual;
(d) ensure that when, for whatever reason, the individual appointed in accordance with subparagraph (c) is not readily available, a competent individual is nominated as a substitute to hold the authority and perform the duties of the first named individual;
(e) ensure that a competent individual is present at and in charge of the operation of the mine at all times when persons are working at the mine; and
(f) ensure that sufficient competent individuals are appointed to the management structure to manage the mine safely.

(2) Without prejudice to the generality of paragraph (1), the management structure shall be established to provide in particular that all persons working in the mine come under the authority of a competent person in the management structure who has a duty to exercise such supervision as is appropriate to ensure the health and safety of those persons and of all others who may be affected by their activities.

(3) The mine operator shall ensure that the management structure is reviewed regularly and revised where necessary and in particular if the mine undergoes significant changes, extensions or conversions.

(4) The mine operator shall ensure that each person who forms part of the management structure is provided with a copy of those parts of the health and safety document which describe that person's authority and duties.

(5) The reference to a competent individual in charge in paragraph (1)(e) is a reference to that individual in charge subject to the overall control exercised by the mine operator.

Commencement Information

I10 [Reg. 10](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Competence

11. The mine operator shall ensure that—

- (a) no person undertakes any work at the mine unless the person either is competent to do that work or does so under the instruction and supervision of some other person who is competent to give instruction in, and to supervise, the doing of that work; and
- (b) no work is undertaken at the mine unless a sufficient number of persons are present who have the requisite competence to perform the tasks assigned to them.

Commencement Information

I11 [Reg. 11](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Instructions, rules and schemes

12.—(1) The mine operator shall ensure that—

- (a) rules are in place at the mine with a view to securing—
 - (i) the health and safety of persons at the mine; and
 - (ii) the safe use of equipment; and
- (b) copies of all current instructions, rules and schemes required to be made under these Regulations—
 - (i) are given to any person at work at the mine upon whom they impose duties; and
 - (ii) are comprehensible to all persons at work at the mine to whom they apply.

(2) The mine operator shall take all reasonable measures to ensure that each person at work at the mine understands any instructions, rules and schemes made under these Regulations which are relevant to that person.

(3) The mine operator shall ensure, so far as is reasonably practicable, that any instructions, rules and schemes made under these Regulations are followed or (as appropriate) complied with, by persons at work at the mine.

Commencement Information

I12 [Reg. 12](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Permits to work

13.—(1) Where it is shown by the health and safety document that such a measure is necessary, the mine operator shall make arrangements for a system of permits (referred to in this regulation as “permits to work”) to carry out—

- (a) hazardous operations; and
 - (b) operations which are usually straightforward but which may interact with other activities to cause serious hazards.
- (2) A permit to work shall—
- (a) be issued by a suitable person in the management structure required by regulation 10; and
 - (b) specify the conditions to be fulfilled and the precautions to be taken before, during and after the work concerned.

Commencement Information

I13 Reg. 13 in operation at 1.2.2017, see [reg. 1\(2\)](#)

Inspection of the mine

14.—(1) The mine operator shall—

- (a) make arrangements for the systematic inspection of all parts of the mine below ground—
 - (i) where people work or pass; or
 - (ii) which otherwise could have an effect on the health and safety of persons at work at the mine;
 - (b) divide the mine into districts for the purpose of inspection under sub - paragraph (a), taking due account of—
 - (i) the extent of each district;
 - (ii) conditions (including risk) in each district; and
 - (iii) other relevant circumstances;
 - (c) prepare and keep up to date a suitable written scheme for the inspection of the mine required by sub - paragraph (a);
 - (d) appoint sufficient competent persons to undertake the activities referred to in this regulation;
 - (e) ensure that, where appropriate, suitable written reports are made of the inspections and that each report records significant defects and the steps taken, or proposed to be taken, to remedy them; and
 - (f) ensure that any proposed steps in a report are taken, provided they are appropriate.
- (2) This regulation does not apply to shafts.

Commencement Information

I14 Reg. 14 in operation at 1.2.2017, see [reg. 1\(2\)](#)

Maintenance and inspection of equipment

15.—(1) The mine operator shall—

- (a) prepare and keep up to date a suitable written scheme for the systematic inspection, maintenance and testing of all electrical and mechanical plant and equipment at the mine, with a view to ensuring the health and safety of the persons at work in the mine;
 - (b) ensure that, where appropriate, suitable written reports are made of the inspections and that each report records significant defects and the steps taken, or proposed to be taken, to remedy them; and
 - (c) ensure that any proposed steps in a report are taken, provided they are appropriate.
- (2) Schemes and written reports made for the purposes of paragraph (1) are presumed to be adequate to evidence fulfilment of the duties in regulations 5(2) and 6(3) of PUWER.
- (3) This regulation does not apply to winding apparatus.

Commencement Information

I15 [Reg. 15](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Record of persons below ground

- 16.** The mine operator shall ensure that a record is kept of every person below ground at the mine.

Commencement Information

I16 [Reg. 16](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Danger areas

- 17.** The mine operator shall ensure that—
- (a) danger areas are clearly identified;
 - (b) there is a suitable barrier or enclosure to prevent, so far as is reasonably practicable, inadvertent entry by any unauthorised person to a danger area; and
 - (c) where any person is authorised to enter the danger area, appropriate measures are taken to protect that person’s health and safety.

Commencement Information

I17 [Reg. 17](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Power of safety representatives to report imminent risk

- 18.** Where two or more safety representatives (within the meaning of regulation 2(1) of the Safety Representatives and Safety Committees Regulations (Northern Ireland) 1979(**11**)) consider that there is an imminent risk of serious personal injury arising from an activity carried out below ground at a mine, they—
- (a) may make a report in writing to the mine operator; and
 - (b) may provide a copy of that report to the Executive.

Commencement Information

I18 Reg. 18 in operation at 1.2.2017, see **reg. 1(2)**

PART 3

CONTROL OF MAJOR HAZARDS

Fire protection

General duty

19.—(1) The mine operator shall ensure that operations and work at the mine are planned and carried out—

- (a) so far as is reasonably practicable, to prevent the outbreak of fire or spontaneous combustion; and
- (b) with a view to preventing the spread of any fire.

(2) The mine operator shall ensure that the mine is equipped with—

- (a) suitable fire-fighting equipment; and
- (b) where necessary, fire detectors and alarm systems.

(3) The mine operator shall ensure that the fire-fighting equipment referred to in paragraph (2) (a) is maintained in good condition and is easily accessible.

Commencement Information

I19 Reg. 19 in operation at 1.2.2017, see **reg. 1(2)**

Fire protection plan

20.—(1) The mine operator shall prepare and implement a fire protection plan detailing—

- (a) the likely sources of fire; and
- (b) the precautions to be taken to protect against, detect and combat the outbreak and spread of fire.

(2) In respect of every part of the mine other than any building on the surface of the mine, the fire protection plan shall—

- (a) include the designation of persons to implement the plan;
- (b) include the arrangements for any necessary contacts with external emergency services, particularly as regards rescue work and fire fighting; and
- (c) be adapted to the nature of the activities carried out at the mine and the size of the mine.

(3) The fire protection plan shall be kept at the mine or at some other suitable place.

Commencement Information

I20 Reg. 20 in operation at 1.2.2017, see **reg. 1(2)**

Explosive atmospheres

Application of regulations 22 and 23

21. Regulations 22 and 23 apply below ground in mines in which places have been classified as hazardous under regulation 7(1) of DSEAR.

Commencement Information

I21 [Reg. 21](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Explosive atmospheres

22.—(1) The mine operator shall ensure that—

- (a) there are in place in the zones classified under regulation 7(1) of DSEAR, specific arrangements to detect the presence, and monitor the concentration, of flammable gas; and
- (b) measures are taken to reduce the level of flammable gas in any zone in which it has been detected to as low a level as is reasonably practicable.

(2) The measures referred to in paragraph (1)(b) shall include (where necessary) drainage, removal and dilution.

Commencement Information

I22 [Reg. 22](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Ignition risks

23.—(1) The mine operator shall ensure that when in any zone, or at any place within a zone, classified in accordance with regulation 7(1) of DSEAR—

- (a) the concentration of a flammable gas exceeds 25% by volume of the lower explosive limit of that gas in the general body of air, all activities that present a significant ignition risk are halted until the concentration is reduced so that it is below that level; and
- (b) in the event that the concentration exceeds 40% by volume of the lower explosive limit of that gas in the general body of air, persons are withdrawn from that place or zone until the concentration has been reduced so that it is below that level.

(2) The mine operator shall ensure that none of the following is taken below ground—

- (a) tobacco or other materials for smoking; or
- (b) objects used to produce a flame for the purposes of smoking.

Commencement Information

I23 [Reg. 23](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Application of regulations 25 and 26

24. Regulations 25 and 26 apply below ground in coal mines.

Commencement Information

I24 [Reg. 24](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Burning and welding in coal mines

25. The mine operator shall ensure that—

- (a) no burning or welding equipment is used except in a shaft or inset; and
- (b) before using any such equipment in a shaft or inset, an appropriate assessment is made of the risks of the proposed operation and appropriate steps are taken to mitigate the risks identified.

Commencement Information

I25 [Reg. 25](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Risks of explosion in coal mines

26. The mine operator shall ensure that (where necessary) there are in place—

- (a) adequate arrangements to ensure that there is sufficient inert content in dust in roadways in the mine to ensure that risks of explosion are controlled; and
- (b) suitable and effective barriers against the spread of explosion.

Commencement Information

I26 [Reg. 26](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Explosives

Application of regulations 28 to 31

27. Regulations 28 to 31 apply to mines at which explosives are transported, stored, handled or used.

Commencement Information

I27 [Reg. 27](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

General duties relating to explosives

28.—(1) The mine operator shall ensure that, so far as is reasonably practicable, all explosives are transported, stored, handled and used safely and securely.

(2) The mine operator shall ensure that operations involving the transport, storage, handling or use of explosives are not carried out by anyone other than a person who is—

- (a) competent; and
- (b) authorised to do so in accordance with rules made under regulation 12.

(3) The mine operator shall ensure, so far as is reasonably practicable, that no person issues or takes control of explosives except in connection with the person’s duties at the mine.

Commencement Information

I28 [Reg. 28](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Duties relating to explosives in mines with explosive atmospheres

29. In mines in which places have been classified as hazardous under regulation 7(1) of DSEAR, the mine operator shall ensure that—

- (a) the only explosives that are used are suitable for use in such places; and
- (b) before a shot is charged or fired, suitable tests for the presence of flammable gases are carried out.

Commencement Information

I29 [Reg. 29](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Storage of explosives

30.—(1) This regulation applies in relation to the temporary storage below ground at a mine of explosives for which a licence or certificate of registration for their storage is not required by virtue of regulation 10(2) and (3) of the 2006 Regulations.

(2) Subject to paragraph (3), the mine operator may designate as many places below ground at the mine as may be necessary for the temporary storage of explosives to which this regulation applies pending their use in shotfiring operations.

(3) Where any storage to which regulation 10(2) of the 2006 Regulations applies for which a licence or certificate of registration is not required is to take place at a site in relation to which a person holds a licence or certificate of registration, that storage may only take place there where to do so would not result in a breach of the conditions of that licence or certificate of registration.

- (4) The mine operator shall not designate a place under paragraph (2) unless it is—
 - (a) suitable; and
 - (b) capable of being made secure.
- (5) A place designated under paragraph (2) shall, at all times, be made secure or be supervised.

Commencement Information

I30 [Reg. 30](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Rules

31. Rules required by regulation 12 shall include—

- (a) requirements relating to shotfiring operations;
- (b) procedures for appointing shotfirers;
- (c) procedures for authorising other persons who will be involved with the transport, storage, handling and use of explosives;
- (d) requirements relating to misfires; and

- (e) in mines in which places have been classified as hazardous under regulation 7(1) of DSEAR, requirements relating to testing for the presence of flammable gases before any shot is fired.

Commencement Information

I31 [Reg. 31](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Ground movement

Duty to take ground control measures

32.—(1) The mine operator shall ensure that such ground control measures are taken as are necessary to keep secure every place in the mine where persons work or pass.

(2) The duty in paragraph (1) to keep secure every place in the mine where persons work or pass is a duty to ensure security against any reasonably foreseeable risk to the health and safety of any person.

(3) Before any excavation is undertaken at a mine, the mine operator shall carry out an assessment of the risks from ground movement.

(4) The mine operator shall ensure that the assessment is—

- (a) recorded; and
- (b) reviewed and, where appropriate, revised, if there is reason to suspect that there has been a material change in the matters to which it relates.

(5) The mine operator shall ensure that sufficient ground control measures are taken as soon as possible to address effectively the risks identified by the assessment.

(6) Paragraph (1) does not require the mine operator to take ground control measures with respect to a danger area.

(7) In the case of a coal mine, the duty in paragraph (5) is presumed to be met if the mine operator has implemented the standards in Schedule 1, provided that the assessment indicates that those standards are sufficient to address effectively the risks identified by that assessment.

Commencement Information

I32 [Reg. 32](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Inrushes

Precautions against inrushes

33. The mine operator shall ensure that inrush into any working in a mine of—

- (a) gas from disused workings (whether mine workings or not); or
- (b) water or material that flows, or is likely to flow when wet, from any source,

is prevented.

Commencement Information

I33 [Reg. 33](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Information about inrush hazards

34.—(1) The mine operator shall obtain, so far as is reasonably practicable, all the information which indicates, or tends to indicate, the presence or absence of a potentially hazardous area in the vicinity of any working being carried on, or proposed to be carried on, in the mine.

(2) The mine operator shall ensure that no working is undertaken in the mine in the vicinity of a body of surface water until—

- (a) such steps are taken as may be necessary to ascertain the total thickness of the strata lying between the working and the surface water; and
- (b) the mine operator is satisfied that the strata are sufficiently reliable to prevent an inrush of water from the surface.

(3) In this regulation—

- (a) “body of surface water” means the sea, a lake or river, or any other body of surface water (whether accumulated naturally or not); and
- (b) “potentially hazardous area” means—
 - (i) any disused workings (whether mine workings or not);
 - (ii) any rock or stratum containing or likely to contain water (whether dispersed or in natural cavities);
 - (iii) any peat, moss, sand, gravel, silt, or other material that flows or is likely to flow when wet; and
 - (iv) any body of surface water.

Commencement Information

I34 Reg. 34 in operation at 1.2.2017, see [reg. 1\(2\)](#)

Mine workings in potentially hazardous areas

35.—(1) Before undertaking any working in a mine which would be within—

- (a) 45 metres (measured in any plane) of—
 - (i) the surface; or
 - (ii) any other potentially hazardous area within the meaning of any of sub-paragraphs (i) to (iii) of regulation 34(3)(b), except disused mine workings; or
- (b) 37 metres (measured in any plane) of any disused mine workings,

the mine operator shall assess the risk of the occurrence of an inrush to determine whether precautionary measures are necessary to prevent an inrush.

(2) Where the risk assessment indicates that precautionary measures are necessary, the mine operator shall ensure that the working is not carried on unless—

- (a) a suitable scheme of work is prepared which lays down the procedures designed to ensure that an inrush does not occur; and
- (b) the procedures required by the scheme are implemented.

(3) The mine operator shall ensure that a copy of the scheme is kept at the mine until the working is completed.

Commencement Information

I35 Reg. 35 in operation at 1.2.2017, see **reg. 1(2)**

Shafts, outlets and winding

Shaft construction and modification

36. The mine operator shall ensure that, so far as is reasonably practicable, the construction and modification of every shaft is planned, designed and carried out so as to be safe and without the risk of injury to any person.

Commencement Information

I36 Reg. 36 in operation at 1.2.2017, see **reg. 1(2)**

Equipment in relevant shafts and outlets

37.—(1) The mine operator shall provide suitable equipment in any relevant shaft or outlet that may be used for travel by persons.

(2) The mine operator shall—

- (a) ensure that it is safe for persons to use the equipment for travel; and
- (b) provide written instructions for the safe use of the equipment for travel.

(3) The mine operator shall ensure that a written scheme is in place for the specification, selection and use of a rope in connection with winding apparatus, stipulating the maximum operating life of such a rope and any conditions which may reduce that life.

(4) The mine operator shall ensure that the stipulated maximum operating life is not exceeded unless a competent person has—

- (a) carried out a suitable risk assessment;
- (b) inspected the rope; and
- (c) confirmed that it is safe for the stipulated maximum operating life to be extended and by how much time.

(5) In this regulation, a relevant shaft or outlet is a shaft or outlet in which considerable physical effort is required by persons using it to travel, having regard to the distance to be travelled, the gradient, underfoot conditions and other relevant factors.

Commencement Information

I37 Reg. 37 in operation at 1.2.2017, see **reg. 1(2)**

Safety features of winding apparatus

38. The mine operator shall ensure that winding apparatus is suitable and has effective means—

- (a) to control the speed and distance of travel of the conveyance or counterweight;
- (b) to stop and hold the conveyance or counterweight in a safe manner, in the event of an overwind; and
- (c) to monitor the position and movement of every conveyance in a shaft.

Commencement Information

I38 [Reg. 38](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Inspection, maintenance and testing

39.—(1) The mine operator shall—

- (a) make arrangements for the systematic inspection, maintenance and (where appropriate) testing by competent persons of—
 - (i) shafts;
 - (ii) their linings and fixtures; and
 - (iii) winding apparatus;
- (b) prepare and keep up to date a suitable written scheme for the inspection, maintenance and testing required by sub-paragraph (a);
- (c) appoint sufficient competent persons to undertake the activities required by this regulation;
- (d) ensure that, where appropriate, suitable written reports are made of inspections and that each report records significant defects and the steps taken, or proposed to be taken, to remedy them; and
- (e) ensure that any proposed steps in a report are taken, provided they are appropriate.

(2) The mine operator shall ensure that, when winding apparatus is installed or modified, the apparatus is not used for the transport of persons unless—

- (a) it has been inspected by a competent person;
- (b) it has been found to be safe to use; and
- (c) a written report has been made confirming that it is safe to use.

Commencement Information

I39 [Reg. 39](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Signalling and communication

40. In any shaft or outlet in which there is winding apparatus or other equipment, the mine operator shall ensure that there is provided suitable and safe means to communicate and signal, where such means of communication and signalling is necessary to enable the winding apparatus or equipment to be used safely.

Commencement Information

I40 [Reg. 40](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Transport systems

Transport systems

41.—(1) The mine operator shall ensure that all vehicles, conveyors and traffic routes are designed, installed, operated and maintained in such a way as to ensure, so far as is reasonably practicable, the health and safety of persons below ground at the mine.

(2) Without prejudice to the generality of the duty in paragraph (1), the mine operator shall ensure that—

- (a) vehicles or conveyors do not run in any traffic route unless there is sufficient clearance so that no part of a vehicle or conveyor or of a load on them comes into contact with—
 - (i) the roof or sides of the traffic route or anything supporting them; or
 - (ii) other equipment;
- (b) so far as is reasonably practicable, no pedestrian is present in any traffic route when vehicles are moving on it, unless—
 - (i) there is safe and sufficient clearance between pedestrians and vehicles throughout the traffic route; or
 - (ii) there are adequate and sufficient places of refuge provided;
- (c) suitable and sufficient devices are provided—
 - (i) to prevent the accidental disconnection or movement of vehicles or conveyors below ground; and
 - (ii) to arrest runaway vehicles below ground; and
- (d) traffic routes are clearly identified.

(3) The duty in paragraph (2)(c) extends to all parts of a vehicle that may become uncoupled and move.

Commencement Information

I41 [Reg. 41](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Transport rules

42. Rules required by regulation 12 shall include rules for the purpose of ensuring the safe operation of vehicles, conveyors and traffic routes.

Commencement Information

I42 [Reg. 42](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

PART 4

VENTILATION

Ventilation

43.—(1) The mine operator shall ensure that—

- (a) there is a suitable ventilation system below ground at the mine;
- (b) the ventilation system is subject to suitable monitoring; and
- (c) the ventilation system is recorded accurately on the ventilation plan required by regulation 59.

(2) The ventilation shall be continuous and sufficient to ensure that, so far as is reasonably practicable—

- (a) in the general body of air below ground at the mine, the amount of oxygen is not less than 19% by volume; and
 - (b) the temperature and humidity below ground at the mine are reasonable, having regard to the working methods being used.
- (3) Nothing in paragraph (2) requires ventilation to be provided in any part of the mine where it is not necessary or practicable to do so.
- (4) The mine operator shall ensure that no ventilating fan (other than an auxiliary fan) is installed below ground at the mine unless there have been prepared—
- (a) a survey of the likely effects of the fan on the ventilation below ground at the mine; and
 - (b) a report detailing the type, size and proposed location of the fan.
- (5) If the ventilation in any part of the mine is interrupted, the mine operator shall ensure that appropriate action is taken to ensure the health and safety of persons at work in that part of the mine.

Commencement Information

I43 [Reg. 43](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

PART 5

THE MINE ENVIRONMENT

Inhalable and respirable dust in coal mines

Application of COSHH below ground in coal mines

F244.

F2 [Reg. 44](#) omitted (21.3.2022) by virtue of [The Mines \(Amendment\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/9\)](#), regs. 1, **2(3)**

Commencement Information

I44 [Reg. 44](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Assessment and control of inhalable and respirable dust in coal mines

- 45.**—(1) This regulation applies below ground in coal mines.
- (2) The mine operator shall carry out a suitable assessment of the risk to the health of persons at work below ground at the mine created by exposure to inhalable dust.
- (3) The mine operator shall ensure that the assessment is—
- (a) recorded; and
 - (b) reviewed and, where appropriate, revised if there is reason to suspect that there has been a material change in the matters to which it relates.
- (4) The mine operator shall ensure that the exposure to inhalable dust of persons at work below ground at the mine is either prevented or, where that is not reasonably practicable, reduced to as low a level as is reasonably practicable.
- (5) The mine operator shall have in place suitable arrangements for sampling the levels of respirable dust ^{F3}... to which persons at work are exposed below ground at the mine.

- (6) If a sample exceeds the action level for respirable dust ^{F4}..., the mine operator shall—
- (a) determine the reason why the ^{F5}... action level was exceeded;
 - (b) ensure that appropriate remedial action is taken; and
 - (c) ensure that appropriate further sampling is carried out for the purpose of assessing the effectiveness of any remedial action.
- (7) The mine operator shall ensure that every person who is, or is likely to be, exposed to inhalable dust is placed under suitable health surveillance, unless the exposure is not significant.

- F3** Words in [reg. 45\(5\)](#) omitted (21.3.2022) by virtue of [The Mines \(Amendment\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/9\)](#), [regs. 1, 2\(4\)\(a\)](#)
- F4** Words in [reg. 45\(6\)](#) omitted (21.3.2022) by virtue of [The Mines \(Amendment\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/9\)](#), [regs. 1, 2\(4\)\(b\)\(i\)](#)
- F5** Word in [reg. 45\(6\)\(a\)](#) omitted (21.3.2022) by virtue of [The Mines \(Amendment\) Regulations \(Northern Ireland\) 2022 \(S.R. 2022/9\)](#), [regs. 1, 2\(4\)\(b\)\(ii\)](#)

Commencement Information

- I45** [Reg. 45](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Lighting and personal lamps

Lighting

46.—(1) The mine operator shall ensure that suitable and sufficient artificial lighting is provided in every part of the mine below ground where persons work or pass.

(2) The duty in paragraph (1) shall not apply in any part of the mine where artificial lighting is unnecessary because of the amount of light emitted by personal lamps or for any other reason.

(3) The mine operator shall ensure that suitable and sufficient emergency lighting is provided in every place above ground at a mine where a person is likely to be exposed to significant risk in the event of a failure of artificial lighting.

(4) If it is not reasonably practicable to comply with the duty in paragraph (3), the mine operator shall ensure that persons at work in that place are provided with a personal lamp.

Commencement Information

- I46** [Reg. 46](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Personal lamps

47. The mine operator shall—

- (a) provide a suitable personal lamp to each person who goes to work below ground at a mine; or
- (b) where a person provides his or her own lamp, ensure that it is suitable.

Commencement Information

- I47** [Reg. 47](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

PART 6

SAFE EXIT, ESCAPE AND RESCUE

Exits from the mine

48.—(1) The mine operator shall ensure that there are at least two shafts or outlets providing at least two separate exits to the surface.

(2) The shafts or outlets required by paragraph (1) shall be—

- (a) of sound construction;
- (b) readily accessible to persons below ground at the mine; and
- (c) sufficiently separated so that, so far as is reasonably practicable, anything that happens in one of them will not affect the safety of the other or others.

(3) The mine operator shall ensure that, so far as is reasonably practicable, two exits from the mine are available for use at any time by persons below ground at the mine.

(4) The mine operator shall prepare a suitable written plan of the action to be taken to secure the safety of persons when, due to an unforeseen event or planned maintenance, only one exit is available for use.

(5) If only one exit is available for use, the mine operator shall ensure that—

- (a) the plan required by paragraph (4) is implemented; and
- (b) the persons below ground are restricted, so far as is reasonably practicable, to those who will not be exposed to danger by reason that only one exit is available for use and who—
 - (i) are needed to carry out work essential for securing the safety of the mine;
 - (ii) are involved in work relating to the unforeseen event or planned maintenance;
 - (iii) at the time the exit became unavailable, were already working below ground, provided they do not remain below ground after their normal period of work has ended; or
 - (iv) are needed to secure the health or safety of any person.

Commencement Information

I48 Reg. 48 in operation at 1.2.2017, see **reg. 1(2)**

Ways out from places of work

49.—(1) Subject to paragraph (3), the mine operator shall ensure that every place where a person works has at least two ways out.

(2) At least two of the ways out required by paragraph (1) shall—

- (a) be clearly identified;
- (b) be passable with reasonable convenience;
- (c) be separate from each other; and
- (d) lead to a different exit from the mine.

(3) The requirements in paragraphs (1) and (2) shall not apply in relation to a heading or other place from which it is not reasonably practicable to provide at least two ways out that comply with paragraph (2), provided that the mine operator ensures that the following conditions are met—

- (a) there are in place suitable procedures to ensure that all persons can leave the place safely;

- (b) the activities carried out in the place are limited to those that are required to be carried out there; and
- (c) the persons present at the place at any time are limited to those necessary for the activity or activities being carried out there.

Commencement Information

I49 [Reg. 49](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Emergency routes and emergency doors

50.—(1) Emergency routes and exits shall remain clear at all times and lead by the most direct and safe route to the open air or a safe area.

(2) Doors that may form part of an emergency route or exit shall be capable of being opened easily at all times.

Commencement Information

I50 [Reg. 50](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Auxiliary equipment

51. The mine operator shall ensure that suitable auxiliary equipment is available for use when any equipment that is required to be used by persons to leave the mine becomes unavailable or breaks down.

Commencement Information

I51 [Reg. 51](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Intake airways

52. The mine operator shall ensure, so far as is reasonably practicable, that the intake airways for the mine are constructed of suitable fire resistant materials.

Commencement Information

I52 [Reg. 52](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Duties of the mine operator with regard to escape and rescue

53.—(1) The mine operator shall—

- (a) ensure that suitable arrangements are in place so that persons below ground at the mine can reach a safe place promptly in the event of an emergency; and
- (b) provide and operate the necessary warning and other communication systems to enable assistance, escape and rescue operations to be launched immediately if the need arises.

(2) A mine may not be worked unless the mine operator has made suitable arrangements—

- (a) for the rescue of persons from the mine; and

- (b) for the carrying out of work necessary to secure the health and safety of persons below ground at the mine in the event of an emergency.

Commencement Information

I53 [Reg. 53](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Escape and rescue plan

54.—(1) The mine operator shall prepare and maintain a written plan (in these Regulations referred to as the “escape and rescue plan”) which sets out the action to be taken to effect safely and promptly the evacuation and rescue of persons to a safe place in the event of an emergency.

(2) In preparing the escape and rescue plan, the mine operator shall have regard to every relevant risk assessment carried out in accordance with these Regulations and regulation 3 of the Management Regulations.

(3) The mine operator shall review the escape and rescue plan regularly at suitable intervals and whenever—

- (a) there has been a significant change in the matters to which the plan relates; or
(b) the plan has been put into use.

(4) The mine operator shall keep an up to date copy of the escape and rescue plan in a suitable place and make it available to appropriate persons promptly in the event of an emergency.

Commencement Information

I54 [Reg. 54](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Emergency equipment and communication systems

55.—(1) The mine operator shall ensure that suitable equipment is available for use at all times where it is necessary in any operation involving escape or rescue.

(2) The mine operator shall ensure that the emergency equipment is—

- (a) maintained in good condition; and
(b) stored in easily accessible places.

(3) The mine operator shall ensure that in the event of an emergency the warning and other communication systems referred to in regulation 53 (1)(b) are put into operation immediately.

Commencement Information

I55 [Reg. 55](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Training and information

56.—(1) The mine operator shall ensure that—

- (a) all persons who work at the mine are trained in the appropriate actions to be taken in the event of an emergency at the mine; and
(b) appropriate persons are trained in the use of emergency equipment.

(2) The mine operator shall ensure that written instructions are prepared on—

- (a) the appropriate actions to be taken in the event of an emergency at the mine; and
 - (b) the use, handling and operation of emergency equipment.
- (3) The mine operator shall ensure that safety drills are held at regular intervals for the purpose of ensuring that persons who work at the mine are familiar with the matters specified in paragraph (2).

Commencement Information

I56 [Reg. 56](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Self-rescuers

57.—(1) In any mine in which the risk assessment carried out in accordance with regulation 3 of the Management Regulations has identified the likelihood of an irrespirable atmosphere, the mine operator shall provide—

- (a) suitable self-rescuers for all persons going below ground at the mine; and
 - (b) where necessary, safe havens or facilities below ground for the exchange and recharge of self rescuers.
- (2) The mine operator shall ensure that every person who has been issued with a self-rescuer—
- (a) has been instructed how to use it; and
 - (b) does not go below ground without it.
- (3) The mine operator shall ensure that, so far as is reasonably practicable, every person who has been issued with a self-rescuer keeps it within the person’s reach at all times when below ground.
- (4) The mine operator shall ensure that all self-rescuers are checked regularly and stored in a suitable place at the mine.
- (5) In this regulation, “safe haven” means a place below ground at a mine which is provided with facilities such that persons may wait there in safety to be rescued or until it is safe to leave.

Commencement Information

I57 [Reg. 57](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

PART 7

SURVEYORS AND PLANS

Surveyor

58.—(1) The mine operator shall ensure that there is appointed a suitably qualified and competent person as surveyor of the mine at all times during any period when—

- (a) mineral is being extracted from the mine, or such extraction is proposed; or
 - (b) there is significant excavation at the mine, or such excavation is proposed.
- (2) Where for any reason a person appointed under paragraph (1) ceases to be the surveyor of the mine during any period mentioned in that paragraph, within a reasonable time after the appointment ceases the mine operator shall appoint another suitably qualified and competent person to be surveyor of the mine.

(3) If, for any reason, no appointment has been made under paragraph (2) within a reasonable time, the only work that may be carried out below ground at the mine is work that is essential to the maintenance of the safety of the mine.

Commencement Information

I58 Reg. 58 in operation at 1.2.2017, see **reg. 1(2)**

Working plans, sections, ventilation plans and geological map

59.—(1) The mine operator shall ensure that—

- (a) there are—
 - (i) plans of all the workings in a mine from which any mineral is being extracted and of the mine’s boundaries and, so far as is practicable, of any other workings which may affect the safety of the mine (whether or not the workings are discontinued or abandoned); and
 - (ii) accurate sections of the seams or vein-systems currently being worked in the mine and of the surrounding strata;
- (b) the plans required by sub-paragraph (a) include a plan of the system of ventilation at the mine (in this regulation referred to as the “ventilation plan”);
- (c) the plans and sections required by sub-paragraph (a) are—
 - (i) kept for as long as necessary at the mine or (if that is not practicable) at some other convenient place;
 - (ii) prepared and revised at suitable intervals by the surveyor of the mine or a suitably qualified and competent person working under the surveyor’s supervision;
 - (iii) prepared in such form and in such quantity as is necessary to enable the mine to be worked safely;
 - (iv) prepared on such a scale and marked with such features as are necessary for—
 - (aa) the provision of accurate information relevant to the safe working of the mine; and
 - (bb) the provision of accurate information on the position and conditions of existing workings and, so far as practicable, workings that have been discontinued or abandoned;
 - (v) marked with the date on which the plan or section was commenced, prepared or revised;
 - (vi) permanently and clearly drawn or printed on suitable and durable material; and
 - (vii) maintained in good condition.

(2) The mine operator shall retain all relevant information relating to the plans and sections referred to in paragraph (1).

(3) The mine operator shall ensure that the ventilation plan shows in particular the general direction of the flow of ventilation, the points at which the quantity of air passing is assessed and the location of the principal devices for regulating the flow of ventilation.

(4) The mine operator shall ensure that—

- (a) a suitable geological map of the district in which the mine is situated is kept at the mine; and
- (b) the geological map shows the boundaries of superficial and drift deposits.

- (5) If a person ceases to be surveyor of the mine, the mine operator shall ensure that—
- (a) any plans, sections and relevant information relating to the plans and sections referred to in this regulation that are held by the surveyor are delivered to the mine operator as soon as is reasonably practicable; and
 - (b) where practicable, the person ceasing to be the surveyor prepares a report in writing of the condition of those plans and sections and sends it to the mine operator.

Commencement Information

I59 Reg. 59 in operation at 1.2.2017, see [reg. 1\(2\)](#)

PART 8

TIPS AND TIPPING

General duty to ensure safety of tips

60. The mine operator shall ensure that tips are designed, constructed, operated and maintained so as to ensure that—

- (a) instability; or
- (b) movement,

which is likely to give rise to a risk to the health and safety of any person is avoided.

Commencement Information

I60 Reg. 60 in operation at 1.2.2017, see [reg. 1\(2\)](#)

Appraisal of tips

61.—(1) The mine operator shall ensure that—

- (a) a suitable appraisal of all existing or proposed tips at the mine is undertaken by a competent person in order to determine whether any such tip is or, in the case of a proposed tip, would be, a significant hazard;
- (b) any significant findings made during the appraisal are recorded; and
- (c) the record is made available to each employer of persons at the mine.

(2) Where the person undertaking the appraisal concludes that the tip presents no significant hazard, the mine operator shall ensure that a competent person carries out further appraisals—

- (a) at appropriate intervals;
- (b) whenever there is any reason to suspect that there has been or will be a significant change to—
 - (i) the matters to which the appraisal relates; or
 - (ii) any neighbouring land which may be affected by movement by or instability of the tip to which the appraisal relates; and
- (c) whenever there is any reason to doubt the validity of the conclusion of the current appraisal.

(3) Where the person undertaking the appraisal concludes that the tip represents a significant hazard, the mine operator shall ensure that a geotechnical assessment is carried out in accordance with the requirements of regulation 62 as soon as is reasonably practicable.

Commencement Information

I61 [Reg. 61](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Geotechnical assessments

- 62.**—(1) For the purposes of this Part—
- (a) “geotechnical assessment” means an assessment carried out by a geotechnical specialist identifying and assessing all factors liable to affect the stability and safety of a proposed or existing tip; and
 - (b) “geotechnical specialist” means a person who is suitably qualified and competent to perform a geotechnical analysis to determine the hazard and risk arising from the tip being assessed.
- (2) As part of the geotechnical assessment, the geotechnical specialist shall—
- (a) prepare or consider (as appropriate) the documents and particulars specified in Schedule 2; and
 - (b) consider the tips rules.
- (3) A geotechnical assessment shall include the geotechnical specialist’s conclusions on the following, together with reasons—
- (a) the safety and stability of the tip, including whether the tip represents a significant hazard by way of instability or movement;
 - (b) where appropriate, whether any remedial work is required in relation to the tip and the date by which such work shall be completed; and
 - (c) where appropriate, the date by which the next geotechnical assessment should take place, provided that, in the case of a tip that represents a significant hazard by way of instability or movement, that date is not more than two years after the date of the assessment.
- (4) The geotechnical assessment shall be recorded.
- (5) The mine operator shall ensure that any information available to the mine operator which may be relevant for the purposes of a geotechnical assessment is made available to the geotechnical specialist.
- (6) The mine operator shall ensure that any remedial works identified during the geotechnical assessment in accordance with paragraph (3)(b) are completed by the date specified.

Commencement Information

I62 [Reg. 62](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Tips which are a significant hazard (notifiable tips)

63.—(1) Where the geotechnical specialist concludes under regulation 62(3)(a) that a tip represents a significant hazard by way of instability or movement (in these Regulations referred to as a “notifiable tip”), the mine operator shall ensure that the tip is subject to a further geotechnical assessment at least every two years.

(2) The mine operator shall ensure that a geotechnical assessment is undertaken as soon as is reasonably practicable where, in relation to a notifiable tip, there is—

- (a) any reason to suspect that there has been or will be a significant change to—
 - (i) the matters to which the geotechnical assessment relates, or
 - (ii) any neighbouring land which may be affected by movement by or instability of the tip; or
- (b) any reason to doubt the validity of the conclusion of the current assessment.

Commencement Information

I63 [Reg. 63](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Records of substances tipped

64. The mine operator shall ensure that sufficient records are kept of the nature, quantity and location of all substances accumulated or deposited at a notifiable tip to enable an accurate assessment of the stability of that tip to be made.

Commencement Information

I64 [Reg. 64](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Notification of tips

65.—(1) Subject to paragraph (2), the mine operator shall give not less than 30 days' notice in writing to the Executive (or such other period as the Executive may permit) of the mine operator's intention to commence or continue (as appropriate) operations in relation to any—

- (a) proposed tip which it is reasonable to expect will be a significant hazard; or
- (b) notifiable tip other than a notifiable tip which was a classified tip within the meaning of the 1995 Regulations and in respect of which notice has been given in accordance with regulation 8(1) **(12)** of those Regulations.

(2) Paragraph (1)(b) shall not apply to a tip in relation to which notice of intention to commence operations has been given previously.

(3) The notice referred to in paragraph (1) shall be given—

- (a) in the case of tips falling within paragraph (1)(a), before the commencement of operations; and
- (b) in the case of tips falling within paragraph (1)(b), as soon as possible after the date on which the mine operator receives the geotechnical assessment.

(4) The following information shall be included in any notice given under paragraph (1)—

- (a) a brief description of the tip, including its location, size and the material to be excavated or tipped; and
- (b) in relation to a tip falling within paragraph (1)(b), the geotechnical specialist's conclusions under regulation 62(3).

(5) Where a geotechnical specialist concludes during the geotechnical assessment of a notifiable tip that the tip no longer presents a significant hazard by way of instability or movement, the mine

operator shall give notice in writing of that conclusion and the reasons for that conclusion to the Executive within two months of the geotechnical assessment.

Commencement Information

I65 [Reg. 65](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Tips rules

66.—(1) Rules required by regulation 12 shall include rules (in these Regulations referred to as “tips rules”) for the purpose of ensuring the safe construction and operation of tips.

(2) Tips rules shall in particular specify the following matters—

- (a) the manner in which the activities referred to in paragraph (1) are to be carried out;
- (b) the nature and extent of supervision of such activities; and
- (c) the precautions to be taken during such activities to ensure the health and safety of any person and the safety and stability of a tip.

Commencement Information

I66 [Reg. 66](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Abandoned tips

67.—(1) Subject to regulation 4(8), from the date of a notice of abandonment of a mine any tip that is deemed to form part of that mine (in this regulation referred to as an “abandoned tip”) shall cease to be a tip to which these Regulations apply.

(2) Despite paragraph (1), regulation 68 shall continue to apply in relation to every report or record made in relation to an abandoned tip.

Commencement Information

I67 [Reg. 67](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

PART 9

GENERAL

Record keeping

68.—(1) The mine operator shall ensure that—

- (a) every report or record which is required to be made under these Regulations is in a suitable form and is kept at the mine or at some other suitable place for at least three years from the date on which the report or record was made unless the provision concerned expressly imposes some other requirement; and
- (b) a copy of the written statement of duties of all persons appointed at the mine under these Regulations is kept at the mine or at some other suitable place for at least 12 months after the date on which the appointment ceased to have effect.

(2) Paragraph (1)(a) shall apply to copies of information notified to the Executive under these Regulations but shall not apply to the record made in accordance with regulation 5(3) by the owner.

Commencement Information

I68 Reg. 68 in operation at 1.2.2017, see [reg. 1\(2\)](#)

Plans of abandoned mines

69.—(1) Where the mine operator gives a notice of abandonment, the mine operator shall, within three months of the date on which the mine is abandoned or the tip is closed, send to the Executive, or a body approved by it, an accurate plan of that mine or tip (as the case may be).

(2) Where a plan has been sent to the Executive or a body approved by it under paragraph (1), that plan shall be retained by the Executive or that body in accordance with arrangements approved by the Executive.

Commencement Information

I69 Reg. 69 in operation at 1.2.2017, see [reg. 1\(2\)](#)

Exemptions

70.—(1) Subject to paragraph (4), the Executive may, by a certificate in writing, exempt any mine, part of a mine or class of mines, any person or class of persons, any plant or equipment or class of plant or equipment, or any operation or class of operations from all or any of the requirements and prohibitions in these Regulations.

(2) An exemption granted under paragraph (1) may be—

- (a) subject to conditions; and
- (b) subject to a time limit.

(3) An exemption granted under paragraph (1) may be revoked at any time by a certificate in writing.

(4) The Executive may not grant an exemption under paragraph (1) unless it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it, having regard to the circumstances of the case and in particular to—

- (a) the conditions (if any) it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any statutory provision which apply to the case.

Commencement Information

I70 Reg. 70 in operation at 1.2.2017, see [reg. 1\(2\)](#)

PART 10

TRANSITIONAL PROVISIONS, REPEALS, REVOCATIONS AND MODIFICATIONS

Transitional provisions: general

71.—(1) Where enforcement action has been initiated against an owner, manager or employer in relation to a mine by the Executive before the date on which these Regulations come into operation, that action shall continue as if the action had been commenced against the mine operator on that date.

(2) Any action taken by the Executive or an inspector with respect to a mine in relation to any of the relevant statutory provisions in operation before the date these Regulations come into operation shall continue to have effect in relation to the mine operator so that it shall be the duty of the mine operator to carry out any remedial actions or operations that the owner, manager or principal employer of employees at the mine was under an obligation to carry out or achieve immediately before the date on which these Regulations came into operation.

(3) A document prepared by the owner, manager or an employer at a mine and sufficient for the purposes of the provision in column 1 of table 1 in operation immediately before the coming into operation of these Regulations may be relied upon by the mine operator as evidence that an assessment, process, procedure or scheme required by the corresponding provision of these Regulations in column 2 of table 1 has been made or is in place.

Table 1

<i>Column 1</i>	<i>Column 2</i>
Regulation 4(5)(a) of the Mines Miscellaneous Health and Safety Provisions Regulations (Northern Ireland) 1995(13)	regulation 20(1)
Section 37(1) of the 1969 Act	regulation 42
Regulation 10 of the Mines and Quarries (Tips and Tipping Plans) Regulations (Northern Ireland) 1995	regulation 66(1)

(4) Where, immediately before the coming into operation of these Regulations, anything is kept at a place other than a mine in accordance with the relevant statutory provisions, that place shall be deemed to be suitable for the purposes of these Regulations.

(5) In this regulation, references to enforcement action are to steps taken by an inspector under Articles 22 to 24 and 27 of the 1978 Order in relation to a particular mine or to proceedings instituted under the 1978 Order in any court and requiring the owner, manager, employer or mine operator to do or not to do anything.

Commencement Information

171 [Reg. 71](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Transitional provisions: tips

72.—(1) A mine operator shall carry out by 31st January 2018 the first appraisal of a tip that, immediately before the coming into operation of these Regulations, was not classified within the meaning of regulation 2(1) of the 1995 Regulations.

(2) Where, before the date on which these Regulations come into operation, a report has been obtained in accordance with regulation 9(2)(a), 12 (1) or 18(1) of the 1995 Regulations and is less than two years old, that report—

- (a) shall be treated as a geotechnical assessment for the purpose of regulation 62; and
- (b) remains valid for two years from the date on which it was made.

Commencement Information

I72 [Reg. 72](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Repeals and revocations

73.—(1) The provisions of the 1969 Act specified in column 1 of Schedule 3 are repealed to the extent set out in the corresponding entry in column 2.

(2) The instruments specified in Part 1 of Schedule 4 are revoked in full.

(3) The instruments specified in column 1 of Part 2 of Schedule 4 are revoked to the extent specified in the corresponding entry in column 2.

Commencement Information

I73 [Reg. 73](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Modifications

74. The modifications specified in Schedule 5 shall have effect.

Commencement Information

I74 [Reg. 74](#) in operation at 1.2.2017, see [reg. 1\(2\)](#)

Sealed with the Official Seal of the Department for the Economy on 13th December 2016.



Colin Jack
A senior officer of the Department for the
Economy

Sealed with the Official Seal of the Department of Justice on 13th December 2016.



Karen Pearson
A senior officer of the Department of Justice

Changes to legislation:

There are currently no known outstanding effects for the The Mines Regulations (Northern Ireland) 2016.