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STATUTORY INSTRUMENTS

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**1993 No. 1897**

**The Management and Administration of  
Safety and Health at Mines Regulations 1993**

**PART IV  
QUALIFICATIONS**

**Approval of qualifications**

- 17.—**(1) The Executive may approve qualifications for the purposes of—
- (a) the 1954 Act;
  - (b) orders and regulations made under or having effect as if made under that Act; and
  - (c) health and safety regulations which expressly apply to all mines, any class of mine, or any mine.
- (2) The Executive may also approve a minimum age for applicants to whom specified certificates of qualification referred to in regulation 18 may be granted.

**Certificates of qualification**

- 18.—**(1) The possession of any qualification referred to in regulation 17 shall be attested by a valid certificate of qualification issued by the Executive or the body granting the qualification, as the case may be.
- (2) The certificate shall state—
- (a) the name of the body issuing the certificate;
  - (b) the name of the individual to whom it relates;
  - (c) the purposes for which the certificate is granted;
  - (d) that the body issuing the certificate is satisfied that the individual to whom the certificate relates has attained a satisfactory standard (whether by education, training or experience or a combination of them);
  - (e) the period of validity of the certificate, if the certificate is so limited;
  - (f) any conditions or restrictions that the body issuing the certificate sees fit to impose; and
  - (g) the date of issue of the certificate.

**Certificates issued under the 1954 Act to remain valid**

- 19.—**(1) Where, immediately before the date of coming into force of these Regulations, an individual held a certificate relating to qualifications or competence issued under the provisions of the 1954 Act or regulations made or having effect as if made thereunder as then in force, that certificate shall remain valid for the period of its validity or, if no such period is specified in the

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certificate, indefinitely and shall be treated as a certificate issued under this Part and accordingly its holder shall be treated as being suitably qualified to hold the post to which the certificate relates.

(2) Any reference in the relevant statutory provisions to a certificate granted by the Executive on the recommendation of the Mining Qualifications Board established by section 148 of the 1954 Act shall be treated as a reference to a certificate issued under this Part and accordingly its holder shall be treated as being suitably qualified to hold the post to which the certificate relates.

#### **Refusal to issue certificates**

**20.**—(1) The Executive or the body empowered to issue certificates for the purposes of regulation 18(1) may decide to refuse to issue a certificate of qualification to a person and in such a case shall notify that person of its decision so to do.

(2) Where a person is aggrieved by a decision of the Executive or other body empowered to issue certificates made in accordance with paragraph (1) to refuse to issue a certificate of qualification, he may, by an application in writing to the Executive, made within 28 days of the date on which he was notified of the decision, apply for that decision to be reviewed by it in accordance with a procedure approved for that purpose by the Health and Safety Commission and the Executive shall notify him of the result of that review.

#### **Replacement of certificates**

**21.** If any certificate of qualification is defaced, lost or destroyed, the body issuing the certificate, or if that body has ceased to exist, the Executive may, on such terms as to evidence as it sees fit (and in a case where a certificate is defaced, on its surrender), issue a new certificate to replace it.

#### **Expenses relating to certain certificates**

**22.** The expenses incurred by a person who is employed to perform the duties referred to in regulation 10(2)(a) or 12(1) and necessary to maintain his certificate of qualification shall be borne by the owner of the mine.