

1975 No. 35

MINES

Mines (Emergency Egress) Regulations (Northern Ireland) 1975

Made 26th February 1975

Coming into operation 1st October 1975

WHEREAS in pursuance of Part I of Schedule 2 to the Mines Act (Northern Ireland) 1969(a) the Department of Commerce has published notice of its intention to make the following regulations and has not received any objection to the draft thereof in respect to which it is required to refer the draft regulations for inquiry and report:

NOW, THEREFORE, the Department of Commerce, in exercise of the powers conferred by sections 13, 29, 120 and 122 of the Mines Act (Northern Ireland) 1969 and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Mines (Emergency Egress) Regulations (Northern Ireland) 1975 and shall come into operation on 1st October 1975.

Interpretation

2. In these regulations—

“the Act” means the Mines Act (Northern Ireland) 1969;

“the 1970 Regulations” means the Coal and Other Mines (Shafts, Outlets and Roads) Regulations (Northern Ireland) 1970(b);

“the Department” means the Department of Commerce;

“mine” and “mechanically operated winding apparatus” have the meanings respectively assigned thereto in regulation 3.

Application

3. Except where the application thereof is further expressly limited these regulations shall apply to every mine at which the apparatus provided for carrying persons in pursuance of section 28 of the Act through shafts and unwalkable outlets provided at the mine for affording to persons employed below ground therein means of ingress and egress is mechanically operated winding apparatus and in these regulations unless otherwise expressly provided “mine” means such a mine and “mechanically operated winding apparatus” means such apparatus.

Schemes for emergency egress

4.—(1) The owner of every mine shall ensure that there is at all times in force a scheme providing for the provision and maintenance of apparatus for affording to persons employed below ground in the mine means of egress in an emergency for the purpose of such apparatus being constantly available for use in an emergency in the event of the mechanically operated winding apparatus failing to function.

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

(b) S.R. & O. (N.I.) 1970 No. 132 (p. 649)

(2) Every such scheme shall specify—

- (a) the apparatus to be provided;
- (b) the systematic examination and testing of such apparatus to be carried out to ensure the proper maintenance thereof including the intervals within which such apparatus must be examined and tested and the nature of the examination and testing to be carried out on each occasion and the manner in which the results of every examination and test made pursuant to such a scheme are to be recorded;
- (c) the training and practice in the use of such apparatus to be carried out and the manner in which they are to be carried out and the time to be allotted to them;
- (d) any other arrangements to be made for affording to persons employed below ground in the mine safe and reasonably convenient means of egress in an emergency.

(3) The scheme for each mine or copies thereof shall be kept at the office at the mine or at such other place as may be approved by the Department and a copy shall be provided in the covered accommodation provided in accordance with section 114 of the Act.

(4) A copy of the scheme for each mine shall be sent forthwith to the Department.

(5) It shall be the duty of the owner of each mine to provide the apparatus in accordance with the scheme.

(6) It shall be the duty of the manager of each mine to appoint a competent person to supervise or perform each examination and test carried out pursuant to the scheme.

(7) It shall be the duty of each competent person appointed under paragraph (6) to supervise or perform each such examination and test in accordance with the scheme and to record in a book provided for the purpose by the owner of the mine a report of every defect revealed by any such examination or test.

(8) It shall be the duty of the manager of each mine to appoint competent persons to supervise the training and the practice in the use of all apparatus provided in pursuance of the scheme and to supervise the other arrangements (if any) specified in the scheme for affording to persons employed below ground in the mine means of egress in an emergency.

(9) It shall be the duty of each competent person appointed under paragraph (8) to supervise the said training, practice and arrangements in accordance with the scheme.

(10) If the Department is of opinion that amendment of a scheme is necessary to ensure the proper provision, maintenance and use of such apparatus at the mine or other proper arrangements for affording to persons employed below ground in the mine means of egress in an emergency or to secure the keeping of proper records thereof it may serve on the owner a notice requiring him to ensure that such amendment is made.

(11) The provisions of Part XIII of the Act with respect to references upon notices served by the Department shall apply to a notice served under paragraph (10) and the relevant ground of objection to such a notice shall be that the scheme already ensures the proper provision, maintenance and use of such apparatus at that mine or other proper arrangements for affording to persons employed below ground in the mine means of egress in an emergency or the keeping of proper records thereof, as the case may be.

Use of gravity winding apparatus

5.—(1) Any scheme made under these regulations for a mine of coal, stratified ironstone, shale or fireclay may provide for the use of gravity operated winding apparatus notwithstanding the provisions of regulations 4, 13(3) and 49(1) of the 1970 Regulations or any provisions of any special regulations in force at the mine enabling persons to be carried without the use of keps.

(2) Regulation 5 of the 1970 Regulations shall not apply to any apparatus provided in pursuance of any such scheme.

6. Where pursuant to any scheme made under these regulations gravity operated winding apparatus is being used at a mine other than a mine of coal, stratified ironstone, shale or fireclay regulations 12(2) and 21(1) of the Miscellaneous Mines (General) Regulations (Northern Ireland) 1970(c) shall not apply.

Exemptions

7. The Department may by notice served on the manager of a mine exempt the mine or any part thereof from the application of any of the provisions of these regulations if it is satisfied that the safety of persons employed at the mine will not be prejudiced in consequence of the granting of the exemption.

Sealed with the Official Seal of the Department of Commerce for Northern Ireland on 26th February 1975 in the presence of

(L.S.)

J. D. Thompson,

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations require there to be schemes for emergency egress at all mines where mechanically operated winding apparatus is provided and amend other regulations to enable gravity operated winding apparatus to be used for this purpose.