
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 173

**Escape and Rescue from Mines
Regulations (Northern Ireland) 1999**

PART V

MISCELLANEOUS

Power of exemption

28.—(1) Subject to paragraph (2), the Executive may, by a certificate in writing, exempt any mine or class of mine or any person or class of person from all or any of the prohibitions or requirements imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by the Executive by a further certificate in writing.

(2) The Executive shall not grant any such exemption unless, having regard to the circumstances of the case, and in particular to—

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

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.

Dissapplication of section 135 of the 1969 Act

29. Section 135 of the 1969 Act shall not apply to any legal proceedings or prosecution which are based on an allegation of a contravention of these Regulations.

Defence in proceedings for contravention of regulation 12(2)(a)(iii)

30. In any proceedings against a person for an offence consisting of a contravention of regulation 12(2)(a)(iii), it shall be a defence for that person to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of that offence.

Revocations

31.—(1) Regulations 14 to 27 of, and Schedules 1 and 2 to, the Coal and Other Mines (Fire and Rescue) Regulations (Northern Ireland) 1970(1) (“the 1970 Regulations”) are hereby revoked.

(2) In regulation 2 of the 1970 Regulations the words “and Part IV thereof to every mine of coal or shale, other than a mine at which not more than ten persons are employed below ground,” are hereby revoked.

(3) In regulation 3 of the 1970 Regulations the definition of “fresh air base” is hereby revoked.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
