
EXPLANATORY NOTE

(This note is not part of the Regulations)

The Mines Regulations (Northern Ireland) 2016 consolidate and modernise the law on health and safety in mines in Northern Ireland. The Regulations implement, as regards Northern Ireland, Council Directive [1992/104/EEC](#) on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries.

In Part 1, regulation 2 defines terms for the purposes of the Regulations, with “mine” being defined in regulation 3. This definition is consistent with the definition of “mine” which is being substituted for the definition in section 156 of the Mines Act (Northern Ireland) 1969 by regulation 74 and Schedule 5.

Part 2 of the Regulations makes general provision for health and safety management. The mine operator is the main duty holder under the Regulations. “Mine operator” is defined in regulation 2 as the person who is in control of the operation of the mine, or who proposes to control its operation, if the mine has not yet been constructed. Part 2 contains a number of duties, including a duty to notify the Health and Safety Executive for Northern Ireland (“the Executive”) about the commencement of mining operations or the abandonment of a mine (regulation 6), a duty to have a health and safety document (regulation 9) and a duty to have an appropriate management structure in place (regulation 10). Regulations 14 and 15 make provision for the inspection of the mine and plant and equipment. Regulation 16 requires the mine operator to keep a record of every person who goes below ground and regulation 17 ensures that danger areas are clearly identified. Regulation 18 enables safety representatives to provide reports to the Executive and the mine operator if there is an imminent risk of personal injury.

Part 3 contains duties relating to the control of major hazards at the mine. The mine operator must have in place a fire protection plan (regulation 20) and also, in the case of mines likely to experience a flammable or explosive atmosphere, arrangements to detect the presence, and reduce the level of, flammable gas (regulations 22 and 23). Explosives must be transported, stored, handled and used safely and securely (regulations 28 to 31). Regulation 32 requires the mine operator to assess the risks from ground movement and to take measures to ensure that the mine is kept safe. Schedule 1 contains standards that, if met, are evidence that a coal mine has taken sufficient ground control measures to address any risks identified. Under regulations 33 to 35, inrushes of gas, water or other materials that flow when wet must be prevented. There are provisions (in regulations 36 to 40) about shafts and winding apparatus. In regulations 41 and 42 the mine operator is placed under duties with regard to transport systems.

Part 4 of the Regulations contains duties with regard to ventilation at the mine.

Part 5 of the Regulations sets out requirements relating to the mine environment. Regulations 44 and 45 concern the prevention or reduction of exposure to inhalable dust in coal mines. Regulations 46 and 47 impose duties on the mine operator with regard to lighting.

Part 6 makes provision for safe exit, escape and rescue from the mine. These include requirements (in regulations 48 and 49) with regard to exits from the mine, ways out from places of work within the mine and (in regulation 50) emergency routes and doors. Regulation 51 provides for back up equipment in case any equipment that is used to leave the mine becomes unavailable or breaks down and regulation 52 makes provision for materials in the construction of intake airways to be fire resistant. Regulation 53 contains the duties of the mine operator with regard to escape and rescue. Regulation 54 makes provision about escape and rescue plans. Regulation 55 requires there to be suitable equipment available for use for escape and rescue purposes. Regulation 56 sets out

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requirements with regard to staff training, safety drills and the preparation of instructions. Finally, regulation 57 deals with self-rescuers (equipment that provides respiratory protection when escaping from a mine).

Part 7 provides for a surveyor to be appointed for a mine and for the preparation and maintenance of plans of the mine.

Part 8 makes provision for the safety of tips, which must be designed, operated and maintained to avoid instability or movement. There must be appraisals of tips (regulation 61) and, where appropriate, geotechnical assessments (regulation 62). Schedule 2 makes further provision about the content of geotechnical assessments. If a tip is a significant hazard, the mine operator must notify the Executive of tipping operations (regulation 65). When a mine is abandoned, these Regulations cease to apply to any associated tip, unless it is being used by an active mine (regulation 67).

Part 9 of the Regulations contains general provisions relating to the keeping of records under the Regulations, the provision of plans of abandoned mines to the Executive and exemptions from any of the requirements under the Regulations.

Finally, Part 10 contains transitional provisions and introduces the repeals, revocations and modifications contained in Schedules 3, 4 and 5. The majority of extant provisions of the Mines Act (Northern Ireland) 1969 are repealed.

In Great Britain the corresponding legislation is the Mines Regulations 2014 ([S.I. 2014/3248](#)). Since any overall costs or savings would be negligible, a Northern Ireland Regulatory Impact Assessment has not been required. A copy of the transposition note in relation to implementation of Directive [1992/104/EEC](#) can be obtained from the Health and Safety Executive for Northern Ireland, 83 Ladas Drive, Belfast, BT6 9FR. A copy of this document is annexed to the Explanatory Memorandum which is available alongside these Regulations at www.legislation.gov.uk.