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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 427**

**The Mines Regulations (Northern Ireland) 2016**

**PART 5**

**THE MINE ENVIRONMENT**

**Inhalable and respirable dust in coal mines**

**Application of COSHH below ground in coal mines**

**44.** In their application below ground in coal mines, COSHH shall be read as if the Executive had not approved a workplace exposure limit for respirable crystalline silica.

**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 and respirable crystalline silica to which persons at work are exposed below ground at the mine.

(6) If a sample exceeds the action level for respirable dust or respirable crystalline silica, the mine operator shall—

(a) determine the reason why the relevant 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.

## 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.

### **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.