

**TRANSPPOSITION NOTE FOR THE IMPLEMENTATION OF COMMISSION  
DIRECTIVE 92/104/EEC OF 3 DECEMBER 1992 ON THE MINIMUM  
REQUIREMENTS FOR IMPROVING THE SAFETY AND HEALTH  
PROTECTION OF WORKERS IN SURFACE AND UNDERGROUND MINERAL  
EXTRACTING INDUSTRIES.**

Council Directive 92/104/EEC was previously implemented through numerous health and safety mining legislation. These have now been consolidated into the **Mines Regulations (Northern Ireland) 2016 (S.R. 2016 No. 427)**.

These Regulations do what is necessary to implement only the following parts of the Directive (other aspects of the Directive requiring transposition are implemented by existing legislation).

Article	Purpose	Implementation	Responsibility
Article 1	Subject matter of the Directive	While no specific transposition of this Article is necessary, the Regulations cover its subject matter.	
Article 2	Definitions	No need to transpose (definition used for purposes of Directive)	
Article 3	Employer's obligations	Regulation 7(1),7(2), 9,10(1), 10(2), 11(a), 12, 56(3)	Department for the Economy
Article 4	Protection from fire, explosions and health endangering atmospheres	Regulation 9(2), 19, 20, 22 and 23	Department for the Economy
Article 5	Escape and rescue facilities	Regulation 53	Department for the Economy
Article 6	Communications, warning and alarm systems	Regulation 53, 55	Department for the Economy
Article 7	Keeping workers informed	Regulation 12	Department for the Economy
Article 8	Health Surveillance	Regulation 45(7)	Department for the Economy
Article10	Minimum requirements for safety and health laid down in the Annex	The transposition of this Article and the minimum requirements of the Annex is covered	Department for the Economy

		throughout the Mines Regulations (NI) 2016.	
Article 11-14	Other provisions	No need to transpose	
Annex Part A			
1.1.1	Workplaces must be organised to provide adequate protection against hazards	Regulation 7, 45 and 60	Department for the Economy
1.2	A responsible person must at all times be in charge	Regulation 10(1)(c)	Department for the Economy
1.3	To ensure workers' safety and health protection, necessary supervision must be provided.	Regulation 10(2) and 11(a)	Department for the Economy
1.4	There must be sufficient numbers of competent workers to perform the tasks assigned.	Regulation 11(b)	Department for the Economy
1.6	Workers must be given the necessary written instructions	Regulation 12 and 56	Department for the Economy
1.8	Where required, a system of work permits must be introduced.	Regulation 13	Department for the Economy
1.9	Safety and health measures must be regularly reviewed.	Regulation 9(4)(a)	Department for the Economy
2.1	Mechanical and electrical equipment and plant – General (selection, installation, commissioning, operation and maintenance)	Regulation 7(1) and 15	Department for the Economy
3.1	General maintenance of mechanical and	Regulation 15 and 39	Department for the Economy

	<p>electrical equipment and plant</p> <p>Suitable schemes for examination, maintenance and testing.</p> <p>Competent person</p> <p>Records of examinations and tests</p>		
4.1.1	Measures must be taken for assessing the presence of harmful and/or potentially explosive substances	Regulation 22(1) and 45(5)	Department for the Economy
4.1.2	Smoking is forbidden in areas subject to particular fire or explosion hazards	Regulation 23	Department for the Economy
4.2.1	Measures must be taken to combat formation and accumulation of explosive atmospheres	Regulation 22	Department for the Economy
4.2.2	Measures must be taken to prevent the ignition of explosive atmospheres	Regulation 23	Department for the Economy
4.2.3	An explosion prevention plan detailing the equipment and measures required must be prepared	Regulation 9(2)(a)	Department for the Economy
4.3.1	Measures must be taken where harmful substances accumulate or may accumulate in the atmosphere	Regulation 22(2) and 45(4)	Department for the Economy

4.3.2	Appropriate and sufficient breathing and resuscitation equipment must be available	Regulation 55, 56 & 57	Department for the Economy
4.3.3	Where toxic gases are, or may be, present in the atmosphere, a protection plan detailing protective equipment and preventative measures must be available	Regulation 9(2)(b)	Department for the Economy
4.4.1	Adequate measures must be taken to prevent fires from starting and spreading	Regulation 19(1)(a)	Department for the Economy
4.4.2	Workplaces must be equipped with appropriate fire-fighting equipment	Regulation 19(2)	Department for the Economy
4.4.3	Non-automatic firefighting equipment must be easily accessible	Regulation 19(2)	Department for the Economy
4.4.4	A fire protection plan detailing the precautions to be taken to protect against, detect and combat the outbreak and spread of fires must be kept on site.	Regulation 20	Department for the Economy
5.	Operations involving the storage, transport and use of explosives and initiating devices must be carried out by authorised and competent persons	Regulation 28	Department for the Economy/Department of Justice
6.1	It must be possible	Regulation 37(1) &	Department for the

	to reach workplaces without danger and leave them quickly and safely in an emergency.	(2), 41, 48 and 49	Economy
6.2	All traffic routes must ensure easy, safe and appropriate access for pedestrians and vehicles so as not to endanger workers in the vicinity	Regulation 41	Department for the Economy
6.3	Routes for pedestrian and/ or goods traffic must be appropriate for the type of undertaking  Sufficient safety clearance must be provided for pedestrians	Regulation 41  Regulation 41(2)(b)	Department for the Economy
6.4	Sufficient clearance must be allowed between vehicle traffic routes	Regulation 41(2)(a)	Department for the Economy
6.5	Traffic routes must be clearly identified	Regulation 41(2)(d)	Department for the Economy
6.6	Where necessary traffic regulations must be established.	Regulation 12(1)(a) and 42	Department for the Economy
8.1	Danger areas must be clearly indicated	Regulation 17(a)	Department for the Economy
8.2	Danger areas must be equipped with devices to prevent unauthorised entry	Regulation 17(b)	Department for the Economy
8.3	Appropriate measures to be taken to protect those authorised to enter danger areas	Regulation 17(c)	Department for the Economy

9.1	It must be possible for workers to evacuate quickly and safely	Regulation 53(1)(a)	Department for the Economy
9.2	Emergency routes and exits must remain clear	Regulation 50	Department for the Economy
9.4	Emergency doors must be easily opened	Regulation 50(2)	Department for the Economy
9.5	Emergency routes and exits must be free from obstruction	Regulation 50	Department for the Economy
9.6	Emergency routes and exits requiring illumination must be provided with emergency lighting	Regulation 46(1)	Department for the Economy
10.2	Workers must be trained in the appropriate actions to be taken in emergencies.	Regulation 56(1)(a)	Department for the Economy
10.2	Readily accessible and appropriately located rescue equipment must be provided	Regulation 55	Department for the Economy
11.	Regular safety drills must be held	Regulation 56(3)	Department for the Economy
13.	Workplaces should be provided with natural and/or artificial lighting	Regulation 46	Department for the Economy
15.	Overburden dumps, spoil heaps and other tips must be designed, constructed, operated and maintained	Regulation 60	Department for the Economy
Annex Part C			
1.1	The safety and health document must show all relevant measures have been taken	Regulation 9	Department for the Economy
1.2	The safety and health document	Regulation 9(4) and (5)	Department for the Economy

	must be updated regularly		
2.1	Plans of underground workings must be prepared, be readily accessible and retained.	Regulation 59 and 69	Department for the Economy
2.2	Plans of underground workings must be brought up to date periodically and held available at the workplace	Regulation 59	
3.	All underground workings must have access to at least two separate outlets  Mechanical manwinding or manriding facilities must be available if physical effort is required.	Regulation 48(1) & (2)  Regulation 37	Department for the Economy
4.	Workings underground must be constructed, operated, equipped and maintained to ensure minimum risk to workers	Regulation 7 and 41(2)(d)	Department for the Economy
5.1	Transport facilities must be installed, operated and maintained to ensure a person's safety	Regulation 41(1)	Department for the Economy
5.2	Mechanical manwinding or manriding facilities must be properly installed and used in accordance with written instructions	Regulation 37	Department for the Economy

6.	Support must be provided after excavation where appropriate.  Workings must be regularly inspected for ground stability	Regulation 32  Regulation 14	Department for the Economy
7.1	All underground workings to which access is permitted must be ventilated	Regulation 43	Department for the Economy
7.2	When natural ventilation is not sufficient, mechanical fans must be provided	Regulation 43	Department for the Economy
7.3	A ventilation plan of the ventilation system must be prepared, updated and available	Regulation 59	Department for the Economy
8.1	Definition of a gassy mine	No provision required	
8.2	The main ventilation must be provided by one or more mechanical fans.	Regulation 22,23 and 43	Department for the Economy
8.3	Steps must be taken to eliminate as far as possible the risks arising from firedamp	Regulation 22 and 23	Department for the Economy
8.4	Auxiliary ventilation must be limited for gassy mines	Regulation 43	Department for the Economy
8.5	Firedamp determinations to be continually monitored	Regulation 22 and 23	
8.6	Only explosives and initiating devices specifically for gassy mines may be used.	Regulation 29 (a)	Department for the Economy /Department of Justice
8.7	Smoking, carrying of tobacco and objects that may be	Regulation 23(2)	Department for the Economy



	<p>used to produce a flame are prohibited.</p> <p>Flame cutting, welding operations are permitted only in exceptional circumstances.</p>	Regulation 25	
9.1	Definition of mines containing flammable dusts	No provision required	
9.2	In mines with flammable dusts the provisions of 8.6 and 8.7 of this Part C apply mutatis mutandis.	Regulation 23(2), 25 and 29	Department for the Economy/Department of Justice
9.4	The propagation of flammable dust and/or firedamp explosions must be limited by installing a system of explosion barriers	Regulation 26(b)	Department for the Economy
10.1	In zones susceptible to gas outbursts, rockbursts and water inrushes an operating plan must be drawn up.	Regulation 9(2)(c)	Department for the Economy
10.2	Measures must be taken to identify risk zones to protect workers and control the risks.	Regulation 33 and 34	Department for the Economy
11.1	Provision must be made for the prevention and, where appropriate, the early detection of spontaneous combustion	Regulation 19	Department for the Economy
12.	Where necessary, selfrescuers	Regulation 57	Department for the Economy

	are to be provided		
13.	Suitable artificial lighting must be provided	Regulation 7, 46 and 47	Department for the Economy
14.	It must be possible to know exactly who is underground at any time	Regulation 16	Department for the Economy
15.	An adequate rescue organisation must be set up	Regulation 53(2), 55 and 56	Department for the Economy