

1956 No. 1761

MINES AND QUARRIES

**The Coal and Other Mines (General Duties and Conduct)
Order, 1956**

Made - 7th November, 1956
Laid before Parliament 26th November, 1956
Coming into Operation 1st January, 1957

Whereas by subsection (1) of section one hundred and ninety of the Mines and Quarries Act, 1954(a) (hereinafter referred to as "the Act"), the Minister of Fuel and Power (hereinafter referred to as "the Minister") is empowered to re-enact (to the extent to which they could by virtue of the Act be enacted in regulations made under section one hundred and forty-one thereof)—

- (a) provisions of any regulation having effect by virtue of section eighty-six of the Coal Mines Act, 1911(b);
- (b) provisions of any enactment repealed by section one hundred and eighty-nine of the Act in so far as that enactment is not re-enacted in the Act;

subject to such modifications (if any) as appear to him to be consequential on the passing of the Act or requisite for the purpose either of bringing those provisions into conformity with the Act or of expressly limiting their operation to mines of the class to which their operation is limited immediately before the commencement of the Act:

And Whereas by subsection (2) of that section it is provided amongst other things that an order under subsection (1) shall set out in a schedule to the order the provisions thereby re-enacted and may direct that those provisions shall have effect as if they were regulations made under section one hundred and forty-one of the Act:

Now, therefore, the Minister in pursuance of the powers conferred upon him by section one hundred and ninety of the Act hereby orders as follows:—

1.—(1) The provisions set out in the first schedule hereto, being provisions of regulations and enactments specified in the second schedule hereto subject to such modifications as aforesaid, are hereby re-enacted and shall have effect as if they were regulations made under section one hundred and forty-one of the Act coming into operation at the commencement of the Act.

(2) The provisions set out in the first schedule hereto may be cited as the Coal and Other Mines (General Duties and Conduct) Regulations, 1956.

2. This order shall come into operation at the commencement of the Act and may be cited as the Coal and Other Mines (General Duties and Conduct) Order, 1956.

Dated this seventh day of November, nineteen hundred and fifty-six.

Aubrey Jones,
Minister of Fuel and Power.

FIRST SCHEDULE

THE COAL AND OTHER MINES (GENERAL DUTIES AND CONDUCT) REGULATIONS, 1956, HAVING EFFECT AS IF MADE UNDER SECTION ONE HUNDRED AND FORTY-ONE OF THE MINES AND QUARRIES ACT, 1954.

1. These regulations shall apply to every mine of coal, stratified ironstone, shale or fireclay, and in these regulations "mine" means such a mine.

2.—(1) Without prejudice to the generality of subsection (3) of section three of the Act, every person employed at a mine shall obey any instruction relating to safety, health or welfare given to him by any person upon whom duties are laid by any regulation, being an instruction given by that person for the purpose of the performance of those duties.

(2) No person so employed shall impede or obstruct any other person in the performance of such duties.

3.—(1) No person shall enter any cage at the top of or in any shaft unless authorised to do so by the banksman or by an onsetter as the case may be.

(2) No person riding in any such cage shall—

(a) interfere with or attempt to open the gates thereof; or

(b) attempt to leave such cage until it is stationary at a landing place.

(3) Nothing in paragraph (1) or sub-paragraph (a) of paragraph (2) of this regulation shall apply to a person authorised in writing by the manager to transmit signals when below ground at an entrance to a shaft and when no onsetter is in attendance at that entrance.

4.—(1) Except under the authority of an official of the mine or in a case of emergency no person employed in any mine shall travel below ground to or from his work by any road other than those notified by the manager for the purpose or go into any part of the mine which it is not necessary for him to enter for the purpose of his work.

(2) Except under the authority of an official of the mine no person shall pass beyond any enclosure or barrier or danger signal or open any locked door.

(3) No person shall go into any engine house except for the performance of his duties or under the authority of an official of the mine.

5.—(1) Every person engaged at any working face (including a place in a road at which ripping or work of repair is in progress) or in setting or withdrawing supports shall make a careful examination of his working place at the beginning of each period of work and at appropriate times during the course of it, and in particular after any shot has been fired thereat or nearby and after any other interruption of work:

Provided that where several persons are working at a place together and one of them is in charge, it shall be sufficient for such examinations to be made by that person.

(2) Every person so engaged shall to the best of his power leave his working place at the end of his period of work in such condition as to allow work to be resumed there safely. If he is unable to do so, he shall, without prejudice to the generality of section eighty of the Act, fence off the place and report the matter forthwith to an official of the mine.

(3) Every person so engaged shall take any necessary steps to avoid interruption of the ventilation of the mine whether by accumulations of mineral, vehicles or stores.

6.—(1) No person shall interfere with any machinery at a mine or operate any machinery required by or under the Act or by the manager of the mine to be operated in compliance with signals or which if not so required is capable of developing more than ten horse-power except—

- (a) a mechanic or electrician of the mine ;
- (b) a person carrying out duties in relation thereto in pursuance of an instruction in writing by the manager ;
- (c) in emergency for the purpose of cutting off the supply of power.

(2) No person shall interfere with any electrical apparatus at a mine or operate any such apparatus which works at a voltage exceeding twenty-five except—

- (a) an electrician of the mine ;
- (b) a person carrying out duties in relation thereto in pursuance of an instruction in writing by the manager ;
- (c) in emergency for the purpose of cutting off the supply of power.

7. No person in a mine shall brush or waft out any inflammable gas.

8.—(1) No person employed below ground at a mine shall leave his working place without taking his lamp or light with him.

(2) No loose material which is burning shall be left unattended below ground otherwise than in pursuance of section seventy-nine or section eighty of the Act.

9.—(1) Every person at a mine whether on the surface or below ground shall behave in an orderly manner.

(2) No person shall be at a mine in a state of intoxication or without the permission of the manager shall bring any intoxicating liquor to a mine.

(3) No person shall sleep whilst below ground in any mine or whilst in charge of any machinery or boiler upon the surface.

10.—(1) In these regulations the following expressions have the meanings hereby respectively assigned to them, that is to say—

“ the Act ” means the Mines and Quarries Act, 1954 ;

“ banksman ” and “ onsetter ” have the meanings assigned thereto by the Coal and Other Mines (Shafts, Outlets and Roads) Regulations, 1956(c) ;

“ electrical apparatus ”, “ electrician of the mine ” and “ mechanic of the mine ” have the meanings assigned thereto by the Coal and Other Mines (Mechanics and Electricians) Regulations, 1956(d) ;

“ mine ” has the meaning assigned thereto by regulation one.

(2) The Interpretation Act, 1889(e), shall apply to the interpretation of these regulations as it applies to the interpretation of an act of Parliament.

(c) S.I. 1956/1762.

(d) S.I. 1956/1759.

(e) 52 & 53 Vict. c. 63.

SECOND SCHEDULE

REGULATIONS AND ENACTMENTS CERTAIN PROVISIONS OF WHICH ARE RE-ENACTED WITH MODIFICATIONS IN THE COAL AND OTHER MINES (GENERAL DUTIES AND CONDUCT) REGULATIONS, 1956.

Coal Mines Act, 1911, section 74

General Regulations dated July 10, 1913(f), Regulations 3, 4, 5, 9, 11, 12, 17, 19, 27 and 68

Coal Mines (Mechanics and Electricians) General Regulations, 1954(g), Regulation 10

EXPLANATORY NOTE

(This note is not part of the order, but is intended to indicate its general purport.)

This order is made under the Mines and Quarries Act, 1954, s. 190, which empowers the Minister of Fuel and Power to re-enact (to the extent to which they could be enacted in regulations made under the Act and subject to modifications of the kind specified in that section) the provisions of regulations and enactments which will cease to have effect at the commencement of the Act.

The provisions set out as regulations in the first schedule to this order specify certain miscellaneous duties and prohibitions imposed, with a view to the preservation of safe working and the avoidance of accidents, in some cases on persons employed, and in other cases on all persons, above and below ground at mines of coal, stratified ironstone, shale and fireclay. These regulations comprise, and will at the commencement of the Act replace, provisions of the regulations and enactments specified in the second schedule to the order.

(f) S.R. & O. 1913/748 (Rev. IV, p. 318: 1913, p. 680).
(g) S.I. 1954/594 (1954 I, p. 481).

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