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STATUTORY INSTRUMENTS

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**1956 No. 1769**

**MINES AND QUARRIES**

**(10) DUST PRECAUTIONS**

**The Coal Mines (Precautions Against  
Inflammable Dust) Order, 1956**

<i>Made</i>	- - - -	<i>7th November 1956</i>
<i>Laid before Parliament</i>		<i>26th November 1956</i>
<i>Coming into Operation</i>		<i>1st January 1957</i>

Whereas by subsection (1) of section one hundred and ninety of the Mines and Quarries Act, 1954 (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 regulations having effect by virtue of section eighty-six of the Coal Mines Act, 1911;
- (b) provisions of any enactment repealed by section one hundred and eighty-nine of the Act in so far as that enactment is not re-enacted in the Act;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 schedule hereto, being provisions of section sixty-two of the Coal Mines Act, 1911, and of the Coal Mines General Regulations (Precautions against Coal Dust), 1939, 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.

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(2) The provisions set out in the schedule hereto may be cited as the Coal Mines (Precautions against Inflammable Dust) Regulations, 1956.

2. Any exemption, permission, approval, authority, or direction given for the purpose of a provision hereby re-enacted shall, if in force at the commencement of the Act and so far as it could have been given for the purposes of the Coal Mines (Precautions against Inflammable Dust) Regulations, 1956 (whether by that instrument or an instrument to the like effect), have effect as if it had been so given.

3. This order shall come into operation at the commencement of the Act and may be cited as the Coal Mines (Precautions against Inflammable Dust) Order, 1956.

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

*Aubrey Jones*  
Minister of Fuel and Power

## SCHEDULE

### THE COAL MINES (PRECAUTIONS AGAINST INFLAMMABLE DUST) REGULATIONS, 1956, HAVING EFFECT AS IF MADE UNDER SECTION ONE HUNDRED AND FORTY-ONE OF THE MINES AND QUARRIES ACT, 1954

#### PART I

##### Precautions as regards screens

1. This Part of these regulations shall apply at every mine in which coal is worked other than a mine in which the floor, roof and sides of the roads are naturally wet throughout.
2. It shall be the duty of the manager of every mine to make and ensure the efficient carrying out of arrangements to secure that the entry of coal dust from screens into any downcast shaft is minimised.
3. At any such mine newly opened after the sixteenth day of December, nineteen hundred and eleven, no plant shall be used for screening or sorting coal within a distance of two hundred and forty feet from any downcast shaft:

Provided that an inspector may by notice served on the manager exempt a mine from the provisions of this regulation.

#### PART II

##### Maintenance of incombustible matter in dust in roads

4. This Part of these regulations shall apply, at every mine in which coal is worked, to every length of road therein other than—
  - (a) a length of road used only in connection with the working of anthracite; or
  - (b) a length of road which is within thirty feet of a coal face or which is a shoot from the coal face down which coal is thrown.

5.—(1) It shall be the duty of the manager of every mine to make and ensure the efficient carrying out of arrangements to secure that, as respects every length of road to which this Part of these regulations applies and which is required to be ventilated, any dust on the floor, roof or sides thereof which can be raised into the air shall contain not less than the minimum percentage of incombustible matter determined in accordance with the schedule to these regulations in relation to coal in connection with the working of which that length of road is used.

(2) For the purposes of these regulations the incombustible matter in any dust includes moisture contained therein.

6. No incombustible dust shall be used for the purposes of these regulations unless in tests carried out at intervals not exceeding ninety days it is found to comply with the following requirements, that is to say—
  - (a) it is of such fineness that of the dry dust which passes through a 60-mesh sieve of a specification approved by the Minister not less than fifty per cent. by weight and not more than seventy-five per cent. by weight, or such larger percentage as may be authorised by an inspector by notice served on the manager, shall pass through a 240-mesh sieve of a specification so approved; and

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- (b) it is of such character that it is readily dispersable into the air and, if in use in places where it is not directly wetted by water from the strata, it does not cake but is dispersed into the air when blown upon by the mouth or by a suitable appliance.

7.—(1) For the purpose of establishing the efficacy of his arrangements made in pursuance of regulation five it shall be the duty of the manager of the mine to ensure that at intervals not exceeding thirty days a sufficient number of samples of the dust on every length of road to which that regulation applies are systematically collected and analysed.

(2) In the case of any such length of road which is used for the transport of coal or which is within six hundred feet of a working face and is used as a return airway in respect of that face, the number of samples so collected and analysed shall not be less than in the proportion of ten per mile:

Provided that an inspector may by notice served on the manager permit the taking and analysis of a lesser number of samples in any such length of road.

(3) If in the case of any length of road every analysis of a sample taken within the preceding six months indicates that the natural conditions of the road are such that the requisite percentage of incombustible matter is maintained without the application of incombustible dust or if, in the case of a length of road to which the last preceding paragraph does not apply, every such analysis indicates that the application of incombustible dust is not necessary at intervals of less than six months, it shall be sufficient for samples to be collected and analysed at intervals not exceeding ninety days or at such longer intervals as may be authorised by an inspector by notice served on the manager:

Provided that if there is any change in the natural conditions or in the method of working which affects or may affect substantially the percentage of incombustible matter in any such length of road, samples shall be taken and analysed as soon as any effect of the change would be apparent.

(4) The manager shall ensure that the result of every analysis required to be made by this regulation is within twenty-one days of the collection of the sample entered in a book provided by the owner of the mine for the purpose. Except at a mine at which less than one hundred persons are employed below ground, entries in that book relating to each length of road shall be distinguished by colour, number, letter or mark which shall be identified with that length of road by means of a suitable plan preserved with that book.

(5) The manager shall ensure that a notice specifying the result of every analysis required to be made by this regulation is kept in the covered accommodation provided in pursuance of section one hundred and thirty-five of the Act for a period of thirty days commencing when that result is entered in the book in pursuance of the last preceding paragraph.

8.—(1) When any sample is collected to ascertain the percentage of incombustible matter in any dust in any road for the purposes of these regulations it shall (subject to the following provisions of this regulation) be collected—

- (a) over a length of road not less than one hundred and fifty feet in length;
- (b) in the case of dust on the roof or sides, to a depth not exceeding a quarter of an inch or, in the case of dust on the floor, to a depth not exceeding one inch; and
- (c) in the manner specified in paragraph (5) of this regulation.

(2) If since samples were last collected from any length of road in pursuance of regulation seven some part of it has been treated with incombustible dust more frequently or more recently than other parts, separate samples shall for the purposes of that regulation be collected from those parts respectively irrespective of their lengths.

(3) Samples of the dust on the roof and sides of any length of road shall be taken together in the case of a length of road supported by steel arches and in the case of any other length of road unless there is in force a direction given by an inspector by notice served on the manager that samples of the dust on the roof and sides of that length of road are to be taken separately.

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(4) If in the case of any length of road the dust on the floor is systematically treated in a manner approved by the Minister so as to consolidate it and render it indispersable, samples of the dust on that floor shall be taken to a depth of a quarter of an inch, as nearly as may be, and be taken together with dust from the roof and sides of that length of road unless there is in force a direction to the contrary given by an inspector by notice served on the manager.

(5) Every sample shall be so taken as to be representative of the whole surface of the floor, roof or sides, roof and sides or all of them, as the case may be, of the length of road in question and shall be collected—

- (a) by a method of strip sampling by which the dust is collected from a succession of transverse strips as nearly as may be of equal width and equally spaced, not more than fifteen feet apart and of an aggregate area not less than one per cent. of the total area sampled; or
- (b) by a method of spot sampling by which it is collected from one point for each three feet of that length of road.

9. When any sample of dust is to be analysed for the purposes of these regulations it shall be well mixed and a representative portion which is passed through a 60-mesh sieve of a specification approved by the Minister shall be analysed by a method so approved.

## PART III

### General

#### *Precautions as regards vehicles containing coal dust*

10. It shall be the duty of the manager of every mine to ensure that no vehicle is used therein for the transport of material consisting wholly or mainly of coal dust (not being anthracite dust) along any length of road in which there is any electric cable or apparatus unless such steps are taken to enclose the material as would prevent the dust being thrown into the air if the vehicle were upset.

11. The Interpretation Act, 1889, shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

## SCHEDULE

(to the Coal Mines (Precautions against Inflammable Dust) Regulations)

#### *Minimum percentage of incombustible matter*

1. For the purposes of regulation five the minimum percentage of incombustible matter in relation to any coal shall be determined by reference to the volatile matter content of that coal calculated on an ash-free dry basis in accordance with the following table—

<i>Volatile matter content of coal (Per cent.)</i>	<i>Minimum percentage of incombustible matter required</i>
Not exceeding	
20	50
22	55
25	60

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<i>Volatile matter content of coal (Per cent.)</i>	<i>Minimum percentage of incombustible matter required</i>
27	65
30	68
32	70
35	72
Exceeding 35	75

2. For the purposes of this schedule the volatile matter content of any coal shall be deemed to be that determined by analysis of a representative section of the seam or of a representative sample of run-of-mine coal from the seam taken within the preceding twelve months or where no such determination has been made shall be deemed to exceed thirty-five per cent.

3. Where any road is used in connection with the working of coal from more than one seam the volatile matter content of the coal shall be deemed to exceed thirty-five per cent. unless such a determination has been made in respect of each seam and in the excepted case shall be deemed to be the highest percentage so determined.

4. No account shall be taken for the purposes of this schedule of any analysis of a representative sample of coal unless forthwith after the making thereof notice containing particulars thereof was served on the inspector for the district.

5. Where in the seam or seams of coal in connection with the working of which any road is used inflammable gas is unknown and no explosive, which is not permitted explosive and sheathed explosive within the meaning assigned to those terms by the Coal Mines (Explosives) Regulations, 1956(1), is used in that road, the minimum percentage of incombustible matter required shall not exceed sixty per cent. in a case in which the road is treated with incombustible dust or fifty per cent. in a case in which it is not so treated.

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#### EXPLANATORY NOTE

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 schedule to this order relate to the precautions required to be taken at mines in which coal is worked to minimise the amount of inflammable dust in, or which could be raised into, the air below ground in such mines. These regulations comprise, and will at the commencement of the Act replace, provisions of the Coal Mines Act, 1911, s. 62, and of the Coal Mines General Regulations (Precautions against Coal Dust), 1939.

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(1) (p.1329 above).

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