
 STATUTORY INSTRUMENTS

1975 No. 1433

**HEALTH AND SAFETY
MINES AND QUARRIES**
The Coal Mines (Respirable Dust) Regulations 1975*Made* - - - - 27th August 1975*Laid before Parliament* 10th September 1975*Coming into Operation* 30th September 1975

The Secretary of State, in exercise of the powers conferred on him by sections 15(1), (2), (4)(a) and (5)(b) and 82(3)(a) of, and paragraphs 1(1) and (2), 4(1), 6(1), 8, 9, 11, 13(1) and (3), 15, 16, 18 and 21(b) of Schedule 3 to, the Health and Safety at Work etc. Act 1974(a) and of all other powers enabling him in that behalf, and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission after the carrying out by the said Commission of consultations in accordance with section 50(3) of the said Act, hereby makes the following Regulations:—

PART I**GENERAL***Citation and commencement*

1. These Regulations may be cited as the Coal Mines (Respirable Dust) Regulations 1975 and shall come into operation on 30th September 1975.

Interpretation

2.—(1) In these Regulations—

“the 1954 Act” means the Mines and Quarries Act 1954(b);

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

“calendar month” means one of the twelve unequal parts into which a calendar year is divided;

“mine” has the meaning given by Regulation 4;

“quartz content” means, in relation to a sample of air, such portion of the respirable dust content of that sample as is attributable to respirable dust consisting of quartz;

“relevant operations” means operations in connection with the carrying on of which there is or may be given off respirable dust of such character and quantity as to be likely to be injurious to the persons employed;

 (a) 1974 c. 37.

(b) 1954 c. 70.

“respirable dust” means dust in air which, on inhalation by a person, may be retained in his respiratory system;

“respirable dust content” means, in relation to a sample of air, the average weight in milligrammes of the respirable dust which would be found to be present in each cubic metre of the air sampled if the sampling equipment were to retain all spherical particles of a density of 1 gramme per cubic centimetre and diameters not exceeding 1 micrometre and one half of all spherical particles of the same density and diameters of 5 micrometres, but were not to retain any spherical particles of the same density and diameters exceeding 7 micrometres;

“respirable dust index” means, in relation to the samples taken in a working in a mine in respect of a series of shifts, the average respirable dust content of those samples or, in relation to the sample so taken in respect of a shift not sampled as one of a series, the respirable dust content of that sample;

“shift day” means, in relation to any working in a mine, a day on which persons are employed on a shift in that working;

“working day” in relation to a mine does not include a Saturday, Sunday or day of public or colliery holiday;

“working month” means, in relation to a mine, a calendar month in which relevant operations are carried on during shifts below ground in the mine on not less than 14 days.

(2)(a) Expressions to which meanings are given by the 1954 Act, as modified by health and safety regulations(a), shall, except in so far as the context otherwise requires, have the same meanings in these Regulations.

(b) Expressions to which meanings are given by the 1954 Act, as so modified, the 1974 Act or these Regulations shall (unless the contrary intention appears) have the same meanings in any document issued under the provisions of these Regulations.

(3) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Exemptions

3. An inspector authorised in that behalf by the Executive may by notice served on the manager of a mine exempt that mine or any part thereof or any thing or class of things thereat or any person or class of persons employed thereat from the application of any of the provisions of these Regulations if he is satisfied that the health and safety of persons employed at the mine will not be prejudiced in consequence of the granting of the exemption.

Application

4. These Regulations shall apply to every mine of coal at which the total number of persons employed below ground exceeds 30 and in these Regulations “mine” means such a mine.

(a) The relevant instrument is S.I. 1974/2013 (1974 III, p. 7047).

(b) 1889 c. 63.

PART II

SAMPLING AND DUST RESPIRATORS

Sampling: general provisions

5.—(1) The owner of every mine shall ensure that samples of the air are taken in relation to relevant operations carried on during shifts below ground at the mine and evaluated in accordance with this Part of these Regulations.

(2) Each sample shall be so taken as to be representative of the general body of the air in the vicinity of the relevant operations in relation to which it is taken throughout a shift during which the operations are carried on.

Taking and evaluation of samples

6.—(1) The manager of every mine shall appoint—

- (a) a competent person to supervise the taking of the samples required to be taken by this Part of these Regulations, and
- (b) a sufficient number of other competent persons to take those samples under the supervision of the person appointed under sub-paragraph (a) above.

(2) Every sample required to be taken by this Part of these Regulations shall be taken by means of sampling equipment of a type approved by the Executive for that purpose.

(3) The owner of every mine shall make and secure the efficient carrying out of arrangements whereby—

- (a) the respirable dust content of each sample required to be taken by this Part of these Regulations and, when required to be ascertained by any other provision of these Regulations, the average quartz content for a series of shifts in respect of which samples are taken, is ascertained at a laboratory approved by the Executive for the purpose of this Part of these Regulations;
- (b) records are kept in a form approved by the Executive of each respirable dust content and average quartz content ascertained in accordance with sub-paragraph (a) above and, where samples are taken in respect of a series of shifts, the respirable dust index for that series; and
- (c) the manager of the mine is notified of—
 - (i) the respirable dust content of any sample taken in accordance with this Part of these Regulations within four clear working days of the end of the shift on which it was taken; and
 - (ii) the respirable dust index and, as the case may be, the average quartz content, for any series of shifts in respect of which samples are taken within four clear working days of the end of the last of the shifts of that series.

(4) The manager of every mine shall ensure that a notice specifying every respirable dust index and average quartz content notified to him under paragraph (3)(c) above is displayed in the covered accommodation provided in pursuance of section 135 of the 1954 Act for a period of 30 days commencing with the date of notification.

Sampling scheme

7.—(1) The owner of every mine shall ensure that there is at all times in force a scheme relating to the taking of the samples required to be taken by this Part of these Regulations.

- (2) Every such scheme shall specify—
- (a) the sampling equipment to be provided;
 - (b) the positions at which and the manner in which sampling equipment is to be used for the purpose of taking the samples according to the method of working;
 - (c) any other steps to be taken for securing that the samples are taken in accordance with this Part of these Regulations; and
 - (d) the arrangements made for the systematic examination and testing of the sampling equipment to ensure the proper maintenance thereof.

Sampling: further provisions

8. The further provisions relating to the taking of samples contained in Schedule 1 to these Regulations shall have effect.

Excessive dust

9.—(1) If at any time the respirable dust index for a series of shifts notified to the manager of the mine in pursuance of Regulation 6(3)(c) above in respect of any relevant operations carried on in a working in the mine (other than an index relating to samples taken on the first 5 shift days when the operations are carried on pursuant to a notice given under paragraph (3) below) exceeds the permitted amount, the manager shall either—

- (a) within three clear working days of such notification give notice to the inspector for the district of the steps taken or proposed to be taken to reduce the amount of respirable dust in that working; or
- (b) ensure that all relevant operations shall be discontinued in that working.

(2) If, after notice has been given to an inspector under paragraph (1)(a) above, the respirable dust index for a series of shifts notified to the manager in pursuance of Regulation 6(3)(c) above in respect of the relevant operations carried on in the working month in which that notice was given or the succeeding working month exceeds the permitted amount, the manager shall ensure that, subject to the following provisions of this Regulation, all relevant operations shall be discontinued in that working.

(3) Where there is a requirement by virtue of paragraph (2) above that relevant operations shall be discontinued, the manager may, if additional steps have been taken to reduce the amount of respirable dust in the working, give notice to the inspector for the district of the additional steps taken as aforesaid and of the intention to carry on in the working such relevant operations as may be specified in the notice in such manner as may be so specified, and after the expiry of a period of 7 working days from the giving of that notice, or with the earlier consent of the inspector, those relevant operations may be carried on in the working in that manner.

(4) Where any relevant operations are carried on in a working in a mine pursuant to a notice given under paragraph (3) above, the manager of the mine shall ensure that any respirable dust index for a series of shifts notified to the manager in pursuance of Regulation 6(3)(c) above in respect of those relevant operations (other than an index relating to samples taken on the first 5 shift days when those operations are carried on) does not exceed the permitted amount for the purpose of paragraph (1) above during the 3 successive calendar months in each of which the operations are carried on in the working on not less than 14 shift days.

(5) The permitted amount for the purpose of each of paragraphs (1) and (2) above is the amount set out in respect of that paragraph in Schedule 2 to these Regulations.

Dust respirators

10. The manager of every mine shall ensure that—
- (a) sufficient dust respirators of a type approved by the Executive for the purpose of this Regulation are at all times made available for the persons engaged in relevant operations; and
 - (b) every respirator so made available is kept clean and maintained in efficient working order.

PART III

MEDICAL SUPERVISION

11. It shall be the duty of the owner of every mine to make arrangements for adequate medical supervision of persons ordinarily employed by him at the mine who have been, are or may be exposed to the risk of injury as a result of the inhalation of respirable dust free of any charge or expense to any of them in accordance with a scheme which specifies the manner in which the medical supervision in respect of such risk of injury is to be carried out and, in particular, specifies the arrangements for the taking of chest radiographs.

PART IV

SCHEME FOR PREVENTION AND SUPPRESSION OF DUST

- 12.—(1) The manager of every mine shall ensure that there is at all times in force a scheme for the provision of apparatus for minimising the giving off of dust and for the suppression of dust which enters the air and for the taking of any other steps in that behalf.
- (2) Every such scheme shall specify—
- (a) the apparatus to be provided;
 - (b) the systematic examination and testing of the apparatus to be carried out to ensure the proper maintenance thereof including the intervals within which the apparatus must be examined and tested and the nature of the examination and testing to be carried out on each occasion and the manner in which the results of every examination and test made pursuant to such a scheme are to be recorded; and
 - (c) any other steps to be taken for minimising the entry of dust into the air or for the suppression of dust which enters the air.
- (3) It shall be the duty of the manager of every mine to appoint a competent person, other than a person appointed under Regulation 6(1)(b) above to take samples, to supervise the operation of the scheme.

PART V
MISCELLANEOUS PROVISIONS*Equipment, machinery and apparatus*

13.—(1) No person shall interfere with any equipment at a mine provided for the purposes of these Regulations except—

- (a) a person carrying out duties in relation thereto in pursuance of an instruction in writing by the manager; or
- (b) in an emergency.

(2) The manager shall ensure that no person shall use any machinery or apparatus at a mine in circumstances in which dust is liable to be given off without any dust prevention and suppression apparatus required to be provided in accordance with a scheme made under Regulation 12 above being operated and without any other steps required to be taken under such a scheme being taken.

Schemes: further provisions

14.—(1) The schemes mentioned in Regulations 7, 11 and 12 above or copies thereof shall, in so far as they relate to any mine, be kept at the office at the mine or at such other place as may be approved by an inspector and a copy shall be provided in the covered accommodation provided in accordance with section 135 of the 1954 Act.

(2) A copy of each of the schemes relating to a mine shall be sent forthwith to the inspector for the district.

(3) It shall be the duty of—

- (a) the owner of every mine to ensure that the provisions of the schemes mentioned in Regulations 7 and 11 above relating to the mine are executed and enforced; and
- (b) the manager of every mine—
 - (i) to appoint a competent person to supervise or perform each examination and test carried out pursuant to the scheme mentioned in Regulation 12 above relating to the mine; and
 - (ii) to ensure that the provisions of that scheme are executed and enforced.

(4) It shall be the duty of each competent person appointed by the manager of a mine to supervise or perform examinations and tests pursuant to a scheme under paragraph (3)(b)(i) above to do so in accordance with the scheme and to record in a book provided for the purpose by the owner of the mine a report of every defect revealed by any such examination or test so supervised or performed by him.

Tony Benn,
Secretary of State for Energy.

Michael Foot,
Secretary of State for Employment.

27th August 1975.

Regulation 8

SCHEDULE 1

SAMPLING: FURTHER PROVISIONS

Comparable operations

1. For the purposes of this Schedule relevant operations shall be divided into the following classes, that is to say—

- (a) operations which include getting or cutting coal, and
- (b) operations which do not include getting or cutting coal,

and only the operations carried on during shifts in the same working in the mine which are in the same class shall be regarded as comparable.

Frequency of sampling

2.—(1) Samples shall be taken in respect of the comparable operations carried on in each working month as follows—

- (a) where the last relevant respirable dust index did not exceed the amount specified in the following table for any of the operations in relation to which it was ascertained—1 sample; and
- (b) in any other case—5 samples in a period of not more than 7 successive shift days on which the operations in question are carried on or (where those operations are carried on on less than 6 shift days) the number of samples equal to the number of days on which they are carried on.

(2) In this paragraph “the last relevant respirable dust index” means, in relation to any operations carried on in a working month, the last respirable dust index to have been ascertained, whether in pursuance of these Regulations or in pursuance of corresponding arrangements superseded by these Regulations, in relation to operations comparable with the operations in question in a previous working month.

TABLE

Operations	Last relevant respirable dust index
At a longwall face	5
In a drivage	3
In an intake roadway	3
In a bord and pillar working	4
Other operations	4

Additional sampling

3. Where the manager of a mine is notified of a respirable dust index exceeding—

- (a) in the case of operations at a longwall face, 12; or
- (b) in any other case, 9,

and operations comparable to the operations to which the index relates are carried on on at least 7 of the shift days following the notification, 5 additional samples shall be taken in relation to those subsequent operations in the first 7 of those days.

Average quartz content

4. Where the respirable dust index for a series of at least 5 shifts in respect of operations in a drivage (other than a drivage being driven wholly in a coal seam) exceeds 3 but does not exceed 6, the average quartz content for that series shall be ascertained.

Defective samples

5. In any case where the person responsible for the evaluation at a laboratory approved by the Executive for the purpose of Regulation 6(3)(a) above of samples taken at a mine certifies in writing that, in his opinion, the apparent respirable dust content of a sample taken in accordance with these Regulations, by reason of a defect in the sampling equipment or a mishap occurring between the taking and evaluation of the sample, fails to represent or represents inaccurately the amount of dust present in the air sampled and the manager of the mine is notified of the giving of that certificate within four clear working days of the end of the shift for which the sample was taken, that sample shall be disregarded for the purpose of these Regulations but any sample taken in accordance with these Regulations in relation to comparable operations within four clear working days of the notification of the giving of the certificate may, if the manager so elects, be treated as if it had been taken for the shift for which the certified sample was taken.

Regulation 9

SCHEDULE 2

PERMITTED AMOUNTS OF RESPIRABLE DUST INDEX

Permitted amount: Regulation 9(1)

1. For the purposes of Regulation 9(1) above the permitted amount shall be as follows:—

- (a) in the case of operations at a longwall face,—
8;
- (b) in the case of operations in a drivage where the average quartz content for the series of shifts in question exceeds 0.45,—
3;
- (c) in the case of any other operations,—
6.

Permitted amount: Regulation 9(2)

2. For the purposes of Regulation 9(2) above the permitted amount shall be as follows:—

- (a) in the case of operations at a longwall face—
 - (i) where the last respirable dust index ascertained in relation to the operations exceeded 12,—
12;
 - (ii) where that respirable dust index did not exceed 12,—
8;
- (b) in the case of operations in a drivage—
 - (i) where the last respirable dust index ascertained in relation to the operations exceeded 9,—
9;
 - (ii) where the respirable dust index did not exceed 9,—
6
except where the last average quartz content so ascertained exceeded 0.45
in which case it shall be—
3;
- (c) in the case of any other operations
 - (i) where the last respirable dust index ascertained in relation to the operations exceeded 9,—
9;
 - (ii) where that respirable dust index did not exceed 9,—
6.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations impose requirements with respect to the sampling of air for respirable dust in coal mines at which more than 30 persons are employed below ground and the evaluation of the samples at approved laboratories. They require the appointment of persons to take and supervise the taking of samples, the keeping of records and the making of a scheme relating to the taking of samples. They also regulate or prohibit the carrying on of operations where the respirable dust content in the air is excessive and require dust respirators to be made available. Further requirements relate to the medical supervision of employees liable to injury by inhaling respirable dust and the making of a scheme for the prevention and suppression of dust.

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