
STATUTORY INSTRUMENTS

1979 No. 318

HEALTH AND SAFETY

MINES AND QUARRIES

The Mines (Precautions Against Inrushes) Regulations 1979

<i>Made</i>	- - - -	<i>16th March 1979</i>
<i>Laid before Parliament</i>		<i>19th March 1979</i>
<i>Coming into Operation</i>		<i>9th April 1979</i>

The Secretary of State, in exercise of the powers conferred on him by sections 15(1), (2) and (3)(a) and 82(3)(a) of, and paragraphs 1(1)(c), 8(2), 9, 15(1), 16 and 18(a) of Schedule 3 to, the Health and Safety at Work etc. Act 1974⁽¹⁾ (“the 1974 Act”), 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 under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Mines (Precautions Against Inrushes) Regulations 1979 and shall come into operation on 9th April 1979.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the 1954 Act” means the Mines and Quarries Act 1954⁽²⁾

“disused workings” includes disused shafts and bore holes; and

“the manager” and “the owner” mean respectively the manager and owner for the time being of any mine.

(2) Expressions to which meanings are assigned by the 1954 Act shall have the same meanings in these Regulations.

(1) section 15 was amended by the Employment Protection Act 1975 (c. 71), section 116 and Schedule 15, paragraph 6.
(2) sections 135, 152, 157 and 182(1) were modified by S.I. 1974/2013.

General duty to take precautions against intrushes

3. With respect to every working in a mine, it shall be the duty of the manager to prevent any intrush into the working of—
- (a) gas from disused workings (whether mine workings or not), or
 - (b) water or material that flows or is likely to flow when wet from any source.

Duty of mine owner and manager to obtain information

- 4.—(1) The owner and the manager shall each have the duty to—
- (a) ensure that they are at all material times in possession of all information which indicates or tends to indicate the presence or absence, in the vicinity of any working being carried on or proposed to be carried on in the mine, of—
 - (i) any disused workings (whether mine workings or not),
 - (ii) any rock or stratum containing or likely to contain water (whether dispersed or in natural cavities),
 - (iii) any peat, moss, sand, gravel, silt or other material that flows or is likely to flow when wet; and
 - (b) take such steps as may be necessary for the purpose of substantiating any such information which comes into their possession (whether in consequence of the discharge of the duty imposed on them by the foregoing sub-paragraph or not).
- (2) Where any—
- (a) information mentioned in paragraph (1)(a) of this Regulation comes into the possession of either the owner or the manager (whether in consequence of the discharge of the duty imposed by that paragraph or not), that owner or manager, as the case may be, shall ensure that the other of them is immediately furnished with that information;
 - (b) steps are taken in discharge of the duty imposed by paragraph (1)(b) of this Regulation, the owner or manager, as the case may be, shall ensure that the other of them is immediately furnished with details of the steps he has taken and of any conclusion he has reached as a result of taking those steps.

- 5.—(1) The owner and the manager shall each have the duty to take, with respect to any workings being carried on or proposed to be carried on in the mine in the vicinity of the sea, a lake or river or any other body of surface water (whether accumulated naturally or artificially) such steps as may be necessary—
- (a) to ascertain the total thickness of the strata lying between the workings and the surface water;
 - (b) to satisfy themselves that the strata are sufficiently reliable to prevent an intrush of water from the surface.

- (2) Where any information is obtained by either the owner or the manager in consequence of the discharge of the duty imposed by paragraph (1) of this Regulation, that owner or manager, as the case may be, shall ensure that the other of them is immediately furnished with that information.

Mine workings in potentially hazardous areas

- 6.—(1) A working in a mine which would be within—
- (a) 45 metres (measured in any plane) of—

- (i) the surface,
 - (ii) any rock or stratum containing or likely to contain water (whether dispersed or in natural cavities),
 - (iii) any peat, moss, sand, gravel, silt or other material that flows or is likely to flow when wet,
 - (iv) any disused workings not being disused mine workings; or
- (b) 37 metres (measured in any plane) of any disused mine workings,

shall not be carried on unless the manager has complied with the provisions of paragraph (2) of this Regulation.

(2) The manager shall obtain sufficient information to enable him to consider whether an inrush to which Regulation 3 of these Regulations refers may occur if the working is carried on without taking precautionary measures.

(3) If the manager is of the opinion that such an inrush will not occur he shall ensure that the working is not carried on unless he has given notice of the reasons for that opinion to the inspector for the district and to the workers' representatives for that mine, if any, at least 30 days in advance or such shorter period in advance as the inspector may allow in any particular case.

(4) If, in the case of a working in respect of which the manager has given notice in accordance with paragraph (3) of this Regulation, there is an occurrence which tends to indicate that an inrush to which Regulation 3 of these Regulations refers may occur unless precautionary measures are taken, the manager shall give notice of that occurrence as soon as practicable to the inspector for the district and to the workers' representatives for that mine, if any.

(5) Where paragraph (3) of this Regulation does not apply, the manager shall ensure that the working is not carried on, unless—

- (a) he has prepared a scheme of work (“the scheme”) which lays down the procedure to be followed in the working designed to ensure that an inrush does not occur; and
- (b) he has sent to the inspector for the district and to the workers' representatives for that mine, if any, a copy of—
 - (i) the scheme at least 30 days in advance or such shorter period in advance as the inspector may allow in any particular case, and
 - (ii) any modifications to the scheme as soon as practicable.

(6) Where any such working is being carried on the manager shall—

- (a) ensure that the provisions of the scheme, if any, and any modifications to it are executed and enforced;
- (b) keep a copy of the scheme, and any modifications to it, or notice, as the case may be—
 - (i) in the office of the mine or such other place as may be approved by an inspector, and
 - (ii) in the covered accommodation provided in pursuance of section 135 of the 1954 Act,

until such time as the working is completed.

(7) In this Regulation “workers' representatives” means —

- (a) in relation to a coal mine, such persons, if any, as may for the time being be nominated for the purposes of these Regulations by associations or bodies which represent persons employed underground at the mine;
- (b) in relation to any other mine, such persons, if any, as may for the time being be appointed for that mine under section 123 of the 1954 Act or be appointed to be safety representatives within the meaning of the Safety Representatives and Safety Committees Regulations 1977 for that mine.

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(8) Where an association or body nominates or appoints more than one workers' representative for a mine then the manager shall not be required by paragraphs (3), (4) or (5) of this Regulation to notify, or send copies of a scheme or modifications to, more than one of the persons nominated or appointed by that association or body.

Repeals

7. Sections 75 to 77 of the 1954 Act are hereby repealed.

Revocations

8.—(1) The Regulations made under the 1954 Act mentioned in column 1 of Schedule 1 to these Regulations are hereby revoked to the extent specified in column 3 of that Schedule.

(2) The Regulations made under the 1974 Act mentioned in column 1 of Schedule 2 to these Regulations are hereby revoked to the extent specified in column 3 of that Schedule.

Modification of the Mines and Quarries Acts 1954 to 1971 (Repeals and Modifications) Regulations 1974

9. Regulation 7(3) of the Mines and Quarries Acts 1954 to 1971 (Repeals and Modifications) Regulations 1974 (which continues in force Regulations etc. made or having effect under any provision repealed in the Regulations), shall cease to have effect in relation to those Regulations made or having effect as if made under the 1954 Act which make provision for particular mines insofar as they relate to precautions against inrushes.

Transitional provision

10. During the period of 6 months from the coming into operation of these Regulations it shall be a sufficient compliance with Regulation 6 of these Regulations in respect of a mine if the provisions contained in the instruments revoked by Regulation 8 or ceasing to have effect by virtue of Regulation 9 are complied with insofar as they relate to that mine.

Alexander Eadie
Parliamentary Under Secretary of State for
Energy

John Grant
Parliamentary Under Secretary of State for
Employment

16th March 1979

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SCHEDULE 1

Regulation 8(1)

REVOCATION OF REGULATIONS MADE UNDER THE 1954 ACT

<i>1</i> <i>Regulations</i>	<i>2</i> <i>References</i>	<i>3</i> <i>Extent of Revocation</i>
Coal and Other Mines (Precautions Against Inrushes) Regulations 1956	S.I. 1956/1770	The whole Regulations
Miscellaneous Mines (General) Regulations 1956	S.I. 1956/1778	Regulation 36

SCHEDULE 2

Regulation 8(2)

REVOCATION OF REGULATIONS MADE UNDER THE 1974 ACT

<i>1</i> <i>Regulations</i>	<i>2</i> <i>References</i>	<i>3</i> <i>Extent of Revocation</i>
The Gartmorn Mine (Precautions Against Inrushes) Amendment Regulations 1975	S.I. 1975/1394	The whole Regulations
The Goldthorpe/Highgate Mine (Precautions Against Inrushes) Regulations 1977	S.I. 1977/2171	The whole Regulations
The Sherburn No. 2 Mine (Precautions Against Inrushes) Regulations 1978	S.I. 1978/411	The whole Regulations

EXPLANATORY NOTE

These Regulations impose on owners and managers of mines duties to take precautions against inrushes of gas, water and material which flows or is likely to flow when wet.

By virtue of Regulation 6 a mine working which would be within 37 metres of any disused mine workings or 45 metres of any other potentially hazardous areas specified in the Regulation is prohibited unless the manager follows the steps laid down in that Regulation.

The Regulations replace the existing provisions for controlling inrushes in mines; the enactments repealed are set out in Regulation 7 and the Regulations revoked are set out in Schedules 1 and 2.