

---

STATUTORY INSTRUMENTS

---

**1993 No. 1897**

**The Management and Administration of  
Safety and Health at Mines Regulations 1993**

**PART III**

**STRUCTURE OF HEALTH AND SAFETY  
MANAGEMENT, SUPERVISION AND INSPECTION OF THE MINE**

**Appointment of the manager and substitute**

**8.—**(1) Subject to the following provisions of this regulation and regulation 15, no mine shall be worked unless there is a sole manager of the mine, being a suitably qualified and competent individual, duly appointed.

(2) Subject to regulation 10(6), the manager of a mine shall be appointed by the owner who, if he is an individual and suitably qualified and competent, may appoint himself.

(3) When temporarily the manager is not readily available or the post of manager is vacant, a suitably qualified and competent person shall be appointed by the owner as a substitute to hold the authority and perform the duties of the manager.

(4) Where duties are being performed by a substitute in accordance with paragraph (3), the mine shall be returned to the control of a manager appointed in accordance with paragraph (2) within 72 days or within such longer period as the Executive may approve of the commencement of such performance by the substitute.

(5) Where a substitute has been appointed in accordance with paragraph (3), that substitute shall, for the period that he is so appointed, be deemed to be the manager of the mine for the purposes of the relevant statutory provisions, except that the appointment of a substitute shall not relieve the manager of the powers or duties conferred or imposed by or under those provisions while he holds or held the post of manager of the mine.

**Authority and duties of the manager of the mine**

**9.—**(1) The manager of the mine shall have the management, command and control of the mine exercisable subject to any instructions given to him by or on behalf of the owner.

(2) The mine shall not be worked unless it is under the daily personal supervision of the manager.

(3) It shall be the duty of the manager of the mine so far as is practicable—

- (a) to manage and control the undertaking of the mine in accordance with the relevant statutory provisions;
- (b) to ensure by the exercise of supervision and inspection the safety of persons and operations at the mine;
- (c) to ensure that all persons who are appointed to perform duties under these Regulations understand the nature and scope of their duties; and

- (d) to ensure the discharge by all others (except the owner and persons acting on his behalf) of obligations imposed on them with respect to the mine by, or by virtue of, the relevant statutory provisions.

(4) In imposing duties on persons to be appointed in the management structure under regulation 10 or to carry out inspections under regulation 12, the manager shall have regard to the requirements of regulations 10(5) and 12(6)(a) respectively as they affect those persons.

### **Management structure**

**10.**—(1) With a view to ensuring the health, safety and welfare of persons at work at the mine, it shall be the duty of the owner and manager to—

- (a) establish a management structure (which shall include the manager) that is suitable for the mine and the management structure shall be set down in writing and shall define the extent of authority and responsibility of the persons in it; and
- (b) ensure that a sufficient number of suitably qualified and competent persons are appointed in the management structure.

(2) Without prejudice to the generality of paragraph (1), the management structure shall be established to provide in particular—

- (a) that all persons below ground in all areas of the mine are under the command of persons in the management structure who have the duty to exercise thorough supervision of those persons at all times;
- (b) that where more than one person with supervisory duties under sub-paragraph (a) above is on duty at the mine, there are arrangements within the management structure for a suitable chain of command from the manager to any such persons; and
- (c) adequate assistance to the manager in the performance of his statutory duties including any duties relating to health, safety and welfare assigned to him by the owner.

(3) It shall be the duty of the manager to—

- (a) appoint a suitably qualified and competent person to exercise supervision over persons for the time being at the mine when the manager is not present at the mine but is readily available while the mine is being worked; and
- (b) ensure that duties and authority are properly allocated to achieve the objectives of the structure referred to in the foregoing paragraphs of this regulation so far as is practicable.

(4) Every person appointed in accordance with paragraph (1)(b), to the extent of his responsibility and authority under the management structure and subject to any instructions given to him by a more senior person within the management structure, shall—

- (a) carry out the duties allocated to him under the management structure with all due diligence;
- (b) so far as is practicable ensure compliance with the relevant statutory provisions; and
- (c) so far as is practicable by the exercise of supervision ensure the safety of all persons below ground at the mine for whom he is responsible.

(5) Every person in the management structure shall give precedence to his duties relating to health, safety and welfare over any other duties that he may have and at the end of any period of duty shall communicate with other persons to give them all information necessary for health, safety and welfare.

(6) An individual who is, or who is employed by, a person with whom the owner has contracted to undertake other work at that mine or another mine of the owner shall not be appointed to the management structure, except that this paragraph shall not apply in relation to a person appointed solely to exercise thorough supervision under paragraph (2)(a).

### **Installation, inspection and maintenance etc. of plant and equipment**

11.—(1) It shall be the duty of the manager to ensure so far as is practicable that all plant and equipment are—

- (a) safely installed and commissioned; and
- (b) systematically inspected, examined, tested and maintained,

by suitably qualified and competent persons.

(2) The manager shall prepare and keep up to date a suitable written scheme for the systematic inspection, examination, testing, maintenance and, where necessary, repair of all plant and equipment.

(3) The manager shall ensure that a sufficient number of suitably qualified and competent persons are appointed—

- (a) in the management structure, to direct and manage all the activities referred to in paragraph 1(a) and (b);
- (b) to supervise all the activities referred to in paragraph (1)(a) and (b);
- (c) to undertake all the activities referred to in paragraph (1)(a) and (b); and
- (d) to be present as substitutes for the appointments in sub-paragraph (a) above when those persons are not present at the mine and the mine is being worked.

(4) The manager shall ensure, so far as is practicable, that suitable written reports are made of the inspections, examinations, tests, maintenance and repairs carried out in pursuance of paragraph (1) and that each such report records significant defects and the steps taken to remedy them and is signed by the person making it.

(5) Every person appointed to carry out duties under paragraph (3), to the extent of his responsibility and authority and, subject to any instructions given to him by a more senior person within the management structure or the scheme referred to in paragraph (2), shall carry out the duties allocated to him with all due diligence.

### **Arrangements for inspection at the mine**

12.—(1) For the purpose of ensuring adequate inspection of the mine, the manager shall ensure that all parts of the mine below ground other than shafts (except shafts in the course of being sunk) are divided into suitable districts which shall be inspected by suitably qualified and competent persons with a view to ensuring that such districts are safe to enter and work in and the boundaries of those districts (except shafts in the course of being sunk) shall be shown on a suitable plan.

(2) The manager shall ensure that a sufficient number of suitably qualified and competent persons are appointed and assigned to districts to perform the inspections referred to in paragraph (1).

(3) Each district referred to in paragraph (1) shall be limited to such a size that it is capable of being adequately inspected.

(4) Different districts may be defined in relation to different shifts or different days of the week or both, having regard to the nature of the work to be carried on there for the time being.

(5) Without prejudice to the generality of paragraph (1), inspections under this regulation shall relate to the presence of firedamp, where appropriate, and to ventilation, support of roof and sides and general safety and shall be of such frequency as to ensure that the district is safe to enter and to work in insofar as this can be ensured by such inspection.

(6) Subject to regulation 10(5), a person who has duties under this regulation shall—

- (a) give precedence to those duties over any others that he may have; and

- (b) at the end of any shift, if persons are due to arrive below ground at the same district for a succeeding shift, communicate with the person undertaking inspection in that district for the succeeding shift and give all the information necessary for the safety of persons who will be employed in that district.
- (7) Any person who inspects a district in pursuance of paragraph (1) shall have the duties, so far as practicable—
- (a) to assess the condition of the district with respect to the health and safety of persons;
  - (b) having regard to his knowledge and experience and authority to secure remedies to dangers, to take where necessary such immediate steps as are reasonable for a person in his position to take to prevent danger that has arisen or is about to arise; and
  - (c) to report on those matters which still require corrective action to the person responsible in the management structure.
- (8) A person who has undertaken an inspection in pursuance of paragraph (1) shall prepare and sign a suitable written report of that inspection which shall be countersigned by a person exercising thorough supervision in that district unless that person had himself undertaken the inspection.
- (9) At the end of the shift in which an inspection has been made a copy of the report required by paragraph (8) shall be posted forthwith in a suitable place at the mine and kept posted for at least 24 hours or until a subsequent report relating to the same district is posted whichever is the sooner.
- (10) An individual who is, or who is employed by, a person with whom the owner has contracted to undertake other work at that mine or another mine of the owner shall not be appointed to undertake inspections under this regulation.
- (11) Where, in order to avoid danger, the inspection includes detection of firedamp, any instrument used for that purpose shall be of an approved type or conform to an approved standard.

#### **Additional duties of the manager of the mine**

- 13.—(1) It shall also be the duty of the manager of the mine, so far as is practicable—
- (a) to ensure that there is such sufficient supply of materials and plant and equipment readily available as is requisite to enable the relevant statutory provisions as they apply to the mine to be complied with;
  - (b) to investigate promptly and, where appropriate, to remedy any complaints relating to—
    - (i) shortage of material or of plant and equipment required to be readily available in accordance with sub-paragraph (a) above, and
    - (ii) any other matters affecting the health, safety and welfare of persons at work at the mine;
  - (c) to make suitable arrangements for recording the names of all persons who go below ground and of those who return to the surface with a view to ensuring that persons below ground and their location can be readily identified at any time;
  - (d) to read and countersign or ensure are read and countersigned by suitably qualified and competent persons, all reports and records relating to the mine which are required to be made by the relevant statutory provisions and, if he does not read them himself, to ensure that all matters of an abnormal or unusual nature or which require action by him or by any other person within the management structure are brought to his attention forthwith; and
  - (e) to ensure that each employee is made aware of the person in the management structure to whom he must normally report actual or apprehended danger in accordance with regulation 5(3).
- (2) Where necessary to avoid danger, the manager shall make suitable arrangements so that when persons at work at the mine are below ground or are about to go below ground—

- (a) the barometric pressure is measured before the start of every shift and the trend in barometric pressure is noted;
- (b) the measurement of and trend in barometric pressure are so displayed that persons going below ground can be aware of them; and
- (c) the reading of and trend in barometric pressure are brought to the attention of all persons who exercise supervision in accordance with regulation 10(2)(a) or undertake inspections in accordance with regulation 12(2).

#### **Limitation on the number of mines a person may manage**

14. An individual may not be appointed to manage more than one mine unless—
- (a) it is practicable for him to exercise the daily personal supervision required by regulation 9(2); and
  - (b) the owner of each mine concerned has notified the Executive of the appointment.

#### **Appointment of managers to manage parts of a mine**

15.—(1) Where a mine by reason of its geography, can be divided into, and worked as, separate parts, the owner may so divide the mine and appoint a sole manager for each such part where this is requisite for the effective discharge of each manager's duties and, subject to paragraph (2), the manager of a part of a mine shall be treated for the purposes of these Regulations as a manager appointed under regulation 8 in relation to that part.

(2) In such a case as is mentioned in paragraph (1), the owner shall ensure co-ordination at the mine and that suitable arrangements are made to deal with emergencies.

(3) A plan clearly showing how the mine has been divided and indicating the points of separation of each part shall be kept in the covered accommodation of each such part of the mine to which the plan relates.

#### **Instructions given to the manager by the owner**

16.—(1) Any instructions given by or on behalf of the owner to the manager of a mine which relate to the duties of the manager under the relevant statutory provisions shall be confirmed in writing by the owner if the manager so requests.

(2) Where the manager is of the opinion that instructions given to him by or on behalf of the owner are, or are likely to be, prejudicial to his duties under the relevant statutory provisions or to the health or safety of persons employed at the mine, he may refuse to carry out such instructions unless they have been confirmed in writing by a person who is suitably qualified and competent to be the manager of the mine concerned and who is duly authorised by the owner.

(3) No instruction which relates, or is likely to relate, to the responsibilities of the manager under the relevant statutory provisions shall be given by or on behalf of the owner to any person at work at the mine (other than the manager) except—

- (a) by, or with the consent of, the manager; or
- (b) in an emergency,

and any instructions so given in an emergency shall be confirmed in writing by the owner if the manager so requests.

(4) Copies of any instruction which has been confirmed in writing in accordance with the foregoing paragraphs of this regulation shall be kept by the manager and the owner for at least three years from the date on which the instruction ceased to have effect.