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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations make provisions with respect to health and safety in mine shafts, including the installation and use of winding apparatus and associated apparatus. The Regulations apply to all mines which are being worked (*regulation 3(1)*) and are also applied as mentioned below. The Regulations come into force on 1st April 1993 except with respect to mines of tin or tin ore for which they come into force on 1st January 1996.

2. Regulation 4 imposes requirements on the owner of a mine with respect to the specification, planning and design of the sinking of a shaft and on the manager with respect to the construction or sinking of the shaft. Regulation 3(2) applies regulation 4 to the specification, planning or design of the sinking of the shaft.

3. Regulation 5 places requirements on the owner of a mine with respect to the equipment of a shaft. It also places duties on the manager with respect to maintenance of the shaft and the appointment of competent persons to inspect and examine the shaft and its fixtures and to carry out such maintenance as is necessary. Each competent person is required to record the result of any inspection or examination (*regulation 5(4)(c)*).

4. Regulation 6 imposes a requirement on the manager of a mine with respect to the safe use of a shaft or its fixtures; and regulation 7(2) requires the manager to ensure that sufficient suitable safety harnesses are available and that there are suitable anchorages. Regulation 7(1) imposes requirements with respect to the wearing of safety harnesses.

5. Duties are imposed on the manager of a mine with respect to preventing persons entering or remaining in an uncovered space at the bottom of a shaft and to ensure that there is a suitable barrier at each entrance to a shaft (*regulations 8 and 9*).

6. The owner of a mine is required to ensure that winding apparatus is suitable for its purpose and that specified elements of it are effective (*regulation 10*). He is also required to appoint competent persons to examine all aspects of the installation of the apparatus and make a written report (*regulation 11(1)*). “Winding apparatus” is one of the expressions used in the Regulations which are defined in regulation 2(1).

7. Requirements are placed on the manager to appoint competent persons to examine winding apparatus when it is modified and to ensure that winding apparatus is not used unless specified reports have been made (*regulation 11(2) to (4)*).

8. Regulation 12 imposes duties on the owner and manager with respect to the installation or use of keps in connection with winding apparatus.

9. Regulation 13 requires the owner to prepare specifications for ropes intended for use in a shaft and specified associated equipment and to specify the maximum life of any winding rope. The manager is required to ensure that no rope is used for winding after the expiry of the life so specified.

10. Regulation 14 imposes requirements on the owner with respect to the provision and location of specified means of signalling and communication, and on the manager with respect to their use.

11. Regulation 15 imposes requirements on the manager as to the safe use of winding apparatus including requirements to make suitable rules and requirements with respect to winding apparatus while it is operating automatically. A prohibition is placed on any person controlling winding apparatus by radio except with suitable equipment and in a suitable manner.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**12.** Regulation 16 imposes requirements on the manager with respect to the appointment of competent persons (including winding enginemen) and with respect to the recording of hours worked by winding enginemen. Regulation 17 makes provision with respect to the examination, inspection, testing and maintenance of winding apparatus, the appointment of competent persons, and the writing of reports by such persons. Regulation 18 makes provision with respect to the keeping of specified reports and records under the Regulations.

**13.** Regulation 19 requires the manager to ensure, so far as is reasonably practicable, that other persons at the mine comply with their obligations under the Regulations.

**14.** Regulation 20 provides for exemptions from the Regulations.

**15.** Regulation 21 disapplies section 157 of the Mines and Quarries Act 1954 (c. 70) to any prosecution or other legal proceedings based on an allegation of a contravention of a requirement or prohibition imposed by or under these Regulations.

**16.** Regulations 22 and 23 repeal and revoke the enactments set out in Schedules 1 and 2 of these Regulations. Those enactments will be replaced by these Regulations, to the extent specified in those Schedules. Specified provisions of the Mines and Quarries Act 1954 are disapplied in relation to shafts (*regulation 22(2)*).