

SCHEDULE 5

Regulation 75

Modifications

PART 1

Modifications to primary legislation

1. In the 1954 Act, for section 180 substitute the following—

“Meaning of “mine”

180.—(1) This section defines “mine” for the purposes of this Act.

(2) “Mine” means an excavation or system of excavations (including all excavations to which a common system of ventilation is provided) made for the purpose of, or in connection with, the extraction, wholly or substantially by means involving persons working below ground, of—

- (a) minerals (in their natural state or in solution or suspension), or
- (b) mineral products.

(3) A mine is deemed to include so much of the surface (including buildings, structures or works on it) surrounding or adjacent to the shafts or outlets of the mine as is occupied with the mine for the purpose of, or in connection with—

- (a) working the mine,
- (b) the storage, treatment or preparation for sale, consumption or use of minerals or mineral products extracted from the mine, or
- (c) the removal from the mine of minerals or mineral products extracted from it or of refuse from it.

(4) But a mine is not deemed to include premises in which a manufacturing process is carried on for a purpose other than—

- (a) working the mine, or
- (b) the preparation for sale of minerals extracted from the mine.

(5) Premises used to deposit refuse from a single mine and occupied exclusively by the owner of the mine are deemed to form part of the mine.

(6) Premises used to deposit refuse from two or more mines and occupied by the owner of one of the mines (either exclusively or jointly with the owner of the other or any of the others) are deemed to form part of whichever of the mines the Health and Safety Executive directs.

(7) A railway line serving one or more mines, other than a line falling within subsection (3) or belonging to a railway company, is deemed to form part of the mine or (if more than one) of whichever of the mines the Health and Safety Executive directs.

(8) A conveyor or aerial ropeway provided for the removal from a mine of minerals extracted from it, or of refuse from it, is deemed to form part of the mine.”

2.—(1) Despite the revocation of the Management and Administration of Safety and Health at Mines Regulations 1993 by regulation 74(2), subsection (3) of section 182 of the 1954 Act continues to have effect subject to the modification in sub-paragraph (2).

(2) For paragraph (a) of that section, substitute—

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- “(a) a mine shall be treated as being worked at any time when there are persons at work below ground or plant or equipment is in operation at the mine to maintain the safety of that mine or of any other mine or the operation of driving a shaft or outlet is being undertaken at the mine.”
3. In the Mines and Quarries (Tips) Act 1969—
- (a) in section 11, for subsection (2) substitute—
- “(2) For the purposes of this Part of this Act a disused tip is a tip other than one to which the Quarries Regulations 1999 or the Mines Regulations 2014 apply.”;
- (b) in section 11, after subsection (3) insert—
- “(3A) In this Part of this Act, “tip” means an accumulation or deposit of refuse from a mine or quarry (whether in a solid state or in solution or suspension) other than an accumulation or deposit situated underground, and where any wall or other structure retains or confines a tip then, whether or not that wall or structure is itself composed of refuse, it is deemed to form part of the tip for the purposes of this Part.”

PART 2

Modifications to secondary legislation

4. In the Safety Representatives and Safety Committees Regulations 1977, in regulation 5(4), omit “section 123 of the Mines and Quarries Act 1954 or”.
5. In the Health and Safety (First Aid) Regulations 1981(1)—
- (a) in regulation 2(1), in the definition of “mine”, for “section 180 of the Mines and Quarries Act 1954” substitute “regulation 3 of the Mines Regulations 2014”;
- (b) for regulation 8 substitute—

“Application to mines

- 8.—(1) Subject to paragraph (2), these Regulations (except regulation 3(3) and (4) and regulation 5) apply to mines.
- (2) In their application to mines—
- (a) regulation 3(1), (2) and (5) and regulation 4 have effect as if the mine operator were the employer and as if all persons for the time being at work in the mine were the mine operator’s employees; and
- (b) regulation 3(2) must be read as if the words “Subject to paragraphs (3) and (4)” were omitted.
- (3) In this regulation, “mine operator” has the meaning given by regulation 2(1) of the Mines Regulations 2014.”
6. In the Electricity at Work Regulations 1989—
- (a) in regulation 3(1)(2)—
- (i) for sub-paragraph (b)(i), substitute—
- “(i) mine operator, in relation to a mine within the meaning of regulation 3 of the Mines Regulations 2014, and”;

(1) S.I. 1981/917. Regulation 8 was modified by S.I. 1993/1897.

(2) Regulation 3(1)(b) was substituted by S.I. 1999/2024.

- (ii) for “of which he is the manager” substitute “of which he is the mine operator”;
- (b) after regulation 3(2), insert—
 - “(3) In this regulation, “mine operator” has the meaning given by regulation 2(1) of the Mines Regulations 2014.”;
- (c) in regulation 29, for “15, 16 or 25” substitute “15 or 16”.

7. In the Workplace (Health, Safety and Welfare) Regulations 1992(3), for regulation 3 substitute—

“Application of these Regulations

- 3.—(1) These Regulations apply to every workplace but shall not apply to—
- (a) a workplace which is or is in or on a ship, save that regulations 8(1) and (3) and 12(1) and (3) apply to such a workplace where the work involves any of the relevant operations in—
 - (i) a shipyard, whether or not the shipyard forms part of a harbour or wet dock;
or
 - (ii) dock premises, not being work done—
 - (aa) by the master or crew of a ship;
 - (bb) on board a ship during a trial run;
 - (cc) for the purpose of raising or removing a ship which is sunk or stranded; or
 - (dd) on a ship which is not under command, for the purpose of bringing it under command;
 - (b) a workplace which is a construction site within the meaning of the Construction (Design and Management) Regulations 2007, and in which the only activity being undertaken is construction work within the meaning of those Regulations, save that—
 - (i) regulations 18 and 25A apply to such a workplace; and
 - (ii) regulations 7(1A), 12, 14, 15, 16, 18, 19 and 26(1) apply to such a workplace which is indoors; or
 - (c) a workplace located below ground at a mine, except that regulation 20 applies to such a workplace subject to the modification in paragraph (7).
- (2) Regulation 12 does not apply to a workplace located above ground at a mine that is a tip (within the meaning of regulation 2(1) of the Mines Regulations 2014).
- (3) In their application to temporary work sites, any requirement to ensure a workplace complies with any of regulations 20 to 25 shall have effect as a requirement to so ensure so far as is reasonably practicable.
- (4) As respects any workplace which is or is in or on an aircraft, locomotive or rolling stock, trailer or semi-trailer used as a means of transport or a vehicle for which a licence is in force under the Vehicles (Excise) Act 1971 or a vehicle exempted from duty under that Act—
- (a) regulations 5 to 12 and 14 to 25 shall not apply to any such workplace; and
 - (b) regulation 13 shall apply to any such workplace only when the aircraft, locomotive or rolling stock, trailer or semi-trailer or vehicle is stationary inside a

(3) S.I. 1992/3004; in respect of which relevant amendments were made by S.I. 1995/2036, 2007/320 and 2013/448.

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workplace and, in the case of a vehicle for which a licence is in force under the Vehicles (Excise) Act 1971, is not on a public road.

(5) As respects any workplace which is in fields, woods or other land forming part of an agricultural or forestry undertaking but which is not inside a building and is situated away from the undertaking's main buildings—

- (a) regulations 5 to 19 and 23 to 25 shall not apply to any such workplace; and
- (b) any requirement to ensure that any such workplace complies with any of regulations 20 to 22 shall have effect as a requirement to so ensure so far as is reasonably practicable.

(6) As respects any workplace that is a quarry—

- (a) regulation 12 only applies to a floor or traffic route that is located inside a building; and
- (b) regulation 20 applies to such a workplace subject to the modification in paragraph (7).

(7) In relation to any workplace that is a quarry or located below ground at a mine, the requirement that sanitary conveniences provided under regulation 20 must be at readily accessible places has effect as a requirement that such sanitary conveniences must be, so far as is reasonably practicable, at readily accessible places.

(8) For the purposes of this regulation—

- (a) “dock premises” means any dock, wharf, quay, jetty or other place at which ships load or unload goods or embark or disembark passengers, together with neighbouring land or water which is used or occupied, or intended to be used or occupied, for those or incidental activities, and any part of a ship when used for those or incidental activities;
- (b) “mine” means a mine within the meaning of regulation 3 of the Mines Regulations 2014;
- (c) “relevant operations” means, in relation to a ship, its repairing, refitting, painting and finishing, the scaling, scurfing or cleaning of its boilers (including combustion chambers or smoke boxes) and the cleaning of its bilges or oil-fuel tanks or any of its tanks last used for carrying oil;
- (d) “ship” includes all vessels and hovercraft which operate on water or land and water;
- (e) “shipyard” means any yard or dry dock (including the precincts thereof) in which ships or vessels are constructed, reconstructed, repaired, refitted or finished; and
- (f) “vessel” means any description of craft used for the transport of goods or passengers or the storage of goods or the accommodation of passengers on water, whether used in navigation or not.”

8. In the Health and Safety (Enforcing Authority) Regulations 1998(4), in regulation 2(1), in the definition of “mine”, for “subsection (5)” substitute “subsection (7)”.

9. In the Lifting Operations and Lifting Equipment Regulations 1998(5), in regulation 9(5), for “Mines (Shafts and Winding) Regulations 1993” substitute “Mines Regulations 2014”.

10. In the Ionising Radiations Regulations 1999(6), in regulation 4—

- (a) in paragraph (2)—

(4) [S.I. 1998/494](#). The definition of “mine” was amended by [S.I. 2006/557](#).

(5) [S.I. 1998/2307](#).

(6) [S.I. 1999/3232](#).

- (i) for sub-paragraph (a) substitute—
 - “(a) the mine operator of a mine (within the meaning of regulation 3 of the Mines Regulations 2014); and”; and
 - (ii) for “of which he is the manager” substitute “of which he is the mine operator”;
- (b) after paragraph (3) insert—
- “(4) In this regulation, “mine operator” has the meaning given by regulation 2(1) of the Mines Regulations 2014.”
- 11.** In PUWER, in regulation 6(5)(d), for “Mines (Shafts and Winding) Regulations 1993” substitute “Mines Regulations 2014”.
- 12.** In the Quarries Regulations 1999(7), in regulation 3(1)(c), for “regulation 2(3) of the Management and Administration of Safety and Health at Mines Regulations 1993” substitute “regulation 2(2) of the Mines Regulations 2014”.
- 13.** In the Pressure Systems Safety Regulations 2000(8), in regulation 2(1), in the definition of “user”, for paragraph (a) substitute—
- “(a) a mine within the meaning of regulation 3 of the Mines Regulations 2014 it means the mine operator (within the meaning of regulation 2(1) of those Regulations) for the time being of that mine;”.
- 14.** In the Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006(9), in regulation 2, in the definition of “mine”, for “subsection (5)” substitute “subsection (7)”.
- 15.** In the REACH Enforcement Regulations 2008(10), in Part 1 of Schedule 3, in paragraph 1(m)(i), for “subsection (5)” substitute “subsection (7)”.
- 16.** In the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013(11)—
- (a) in regulation 2(1), for the definition of “mine” substitute—

““mine” has the meaning given by regulation 3 of the Mines Regulations 2014 and for the purposes of these Regulations includes a tip within the meaning of regulation 4(3)(b) of those Regulations which is associated with such a mine;”;
 - (b) in regulation 2(1), in the definition of “workmen’s inspectors”, for “section 123 of the 1954 Act” substitute “regulation 5 of the Safety Representatives and Safety Committees Regulations 1977 in relation to a mine”;
 - (c) in regulation 3(2)(a), for “the manager of that mine” substitute “the mine operator (within the meaning of regulation 2(1) of the Mines Regulations 2014) of that mine”;
 - (d) in regulation 13(4)(a), for “regulation 10(1) of the Management and Administration of Safety and Health at Mines Regulations 1993” substitute “regulation 10(1) of the Mines Regulations 2014”;
 - (e) in Part 3 of Schedule 2—
 - (i) in paragraph 29, for “regulation 11(1) of the Coal and Other Mines (Fire and Rescue) Regulations 1956 or section 79 of the 1954 Act” substitute “an escape and rescue plan within the meaning of regulation 54 of the Mines Regulations 2014”;

(7) [S.I. 1999/2024](#).
(8) [S.I. 2000/128](#).
(9) [S.I. 2006/557](#).
(10) [S.I. 2008/2852](#).
(11) [S.I. 2013/1471](#).

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- (ii) in paragraph 40, for “regulation 4 of the Mines (Safety of Exit) Regulations 1988” substitute “regulation 51 of the Mines Regulations 2014”; and
- (iii) in paragraph 43, for “Part 1 of the 1969 Act applies” substitute “the Mines Regulations 2014 apply”.

17. In the Reservoirs Act 1975 (Exemptions, Appeals and Inspections) (England) Regulations 2013⁽¹²⁾, in regulation 3(1)(a), for “Part 1” substitute “Part 2”.

18. In the 2014 Regulations—

- (a) in regulation 2(1)—
 - (i) in the definition of “police force”, for “regulations 3(9)(e) and (8)(b)”, substitute “regulations 3(10)(b) and (11)(e)”; and
 - (ii) in the definition of “small arms”, for the letters (c), (d) and (e) which introduce the paragraphs within that definition, substitute, respectively, (a), (b) and (c);
- (b) in regulation 3(10), after “23” insert “, 27”;
- (c) in regulation 16(6), for “paragraph (1)”, substitute “paragraph (5)”;
- (d) in regulation 31(1)(c), insert “relevant” before “explosive”;
- (e) in regulation 47(11), after “the 2005 Regulations” insert “as if those Regulations had not been revoked by these Regulations”;
- (f) for paragraph 1(b) of Schedule 1, substitute—
 - “(b) the Executive where the explosives are to be stored—
 - (i) on the surface at a mine, whether in a building or not;
 - (ii) below ground at a mine; or
 - (iii) within a harbour;”
- (g) in Table 2 of Schedule 5, for the last entry in column 1, namely “90000 – 10000”, substitute “90000 – 100000”; and
- (h) in paragraph 1(2) of Schedule 11, for “paragraphs 2 to 12 or 14”, substitute “paragraphs 2 to 14 or, to the extent that it relates to regulation 8, paragraph 15”.

⁽¹²⁾ S.I. 2013/1896.