

Mines Act (Northern Ireland) 1969

1969 CHAPTER 6

PART III

SAFETY, HEALTH AND WELFARE

SUPPORT

48 Duty to secure safety of roads and working places.

- (1) It shall be the duty of the manager of every mine to take, with respect to every road and working place in the mine, such steps by way of controlling movement of the strata in the mine and supporting the roof and sides of the road or working place as may be necessary for keeping the road or working place secure; but nothing in this subsection shall require the taking of such steps as aforesaid with respect to a road or part of a road which is, or is comprised in, a part of the mine every entrance to which is for the time being provided, in pursuance of^[F1] regulation 8 of the Mines (Safety of Exit) Regulations (Northern Ireland) 1998], with such an enclosure or barrier as is therein mentioned.
- (2) It shall be the duty of the manager of every mine to take such steps as may be necessary for securing that he is at all material times in possession of all information relevant for determining the nature and extent of any steps which it is requisite for him to take in order to discharge efficiently the duty imposed on him by subsection (1).

F1 SR 1998/375

49 Systematic support in coal, shale and fireclay mines.

- (1) Subject to the provisions of this section, in every mine of coal, shale or fireclay there shall be provided and maintained systematic support for the roof and sides of—
 - (a) every place where any mineral is worked;

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- (b) every roadhead;
- (c) every junction of two or more lengths of road through any one of which vehicles or a conveyor run or runs; and
- (d) every length of road in which persons work otherwise than occasionally or for short periods.

Subs.(2)(3) rep. by SR 1980/333

- (4) Regulations may provide for exempting from the foregoing provisions of this section any prescribed class of mines of coal, shale or fireclay or any prescribed classes of places where mineral is worked, roadheads, junctions or lengths of road in such mines or any class thereof, and^[F2] the Executive] may, by notice served on the manager of a particular mine of coal, shale or fireclay, exempt from those provisions that mine or any such place as aforesaid, roadhead, junction or length of road therein.
- (5) For the purposes of this section references to provision and maintenance of systematic support shall, as respects any mine, be construed as references to provision and maintenance of support in accordance with a system specified in rules to be made by the manager of the mine, being a system consistent with the proper control of movement of the strata in the mine.
- (6) Nothing in this section shall be construed as preventing a workman in a mine of coal, shale or fireclay from setting in his working place, in addition to supports set therein in pursuance of a requirement imposed by or by virtue of this section, any support which he has reason to believe it is necessary to set therein for the purpose of securing the safety of himself or another.

F2 SR 1999/150

S.50 rep. by SR 1980/333

51 Supply of materials for support.

- (1) ...^{F3}, no materials shall be used for the support of the roof or sides of any place in a mine other than materials provided by the owner of the mine.

Subs. (2) rep. by 1988 NI 7

- (3) It shall be the duty of the manager of every mine to secure that a sufficient supply of suitable materials for support is at all times readily available, for use at the place where he is actually working, to a workman who needs them, and—
 - (a) where a sufficient supply of such materials is not readily available, for use at the place where he is actually working, to a workman who needs them, he shall withdraw to a place of safety and forthwith report to an official of the mine that, by reason of the premises, he has done so; and
 - (b) where it appears to the person for the time being in charge of a part of a mine that such a supply is not available as aforesaid to a workman employed in that part of the mine, the said person shall cause the workman to withdraw as aforesaid;

and where, on any occasion, a workman has, in pursuance of paragraph (a) or (b), withdrawn from the place where he was actually working, the person for the time being in charge of the part of the mine in which that place is situate shall not permit the workman to return to it thereafter until that person is satisfied that such a supply of

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materials as aforesaid will be readily available, for use at that place, to that workman when he needs them.

F3 SR 1980/333

52 Withdrawal of support.

- (1) No person shall withdraw support from the roof or sides of any place in a mine otherwise than by a method or device by which he does so from a position of safety.
- (2) Where it is part of the system of work at a place in a mine to withdraw from the waste or from under the roof adjoining the waste support provided in compliance with a requirement to provide it imposed by or by virtue of section 49 or 50, no person shall, at that place, otherwise than in accordance with a system specified in rules to be made by the manager of the mine, withdraw as aforesaid support so provided.

53 Duties of deputies in relation to support.

It shall be the duty of every person employed at a mine who is appointed for the purpose of fulfilling any requirements imposed with respect to the mine by virtue of section 12(1)(a) to ensure to the best of his ability that all such rules made under or by virtue of any of the foregoing provisions of this Act relating to support as have effect with respect to the mine are executed and enforced and that there are duly set any supports which appear to him to be necessary in addition to those set in pursuance of the requirements imposed by or by virtue of the said provisions.

54 Provisions as to support rules.

- (1) Rules made under or by virtue of any of the foregoing provisions of this Act relating to support are hereafter in this Act referred to as “support rules” .
- (2) Support rules with respect to a mine shall comply with such requirements with respect to the form thereof and the matters to be specified therein as may be prescribed, and may impose upon persons employed at the mine such duties and prohibitions as it appears to the manager of the mine requisite or expedient to impose on them for securing compliance with any requirement imposed by or by virtue of the foregoing provisions of this Part relating to support.
- (3) If, with respect to any support rules for the time being in force with respect to a mine, an inspector reports to^[F4] the Executive] that he is of opinion that the rules require modification in any particular,^[F4] the Executive] may serve on the manager of the mine a notice specifying the rules and the particular in which they require modification and the nature of the modification that ought to be made, and requiring the manager, before the expiration of such period beginning with the date on which the notice becomes operative as may be specified therein, to modify the rules in accordance with the tenor of the notice.

The provisions of Part XIII with respect to references upon notices served by^[F4] the Executive] shall apply to a notice served under this subsection.

- (4) A support rule which is inconsistent with the provisions of any regulation shall, to the extent of the inconsistency, be of no effect.

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- (5) A copy of all support rules for the time being in force with respect to a mine shall be kept at the office at the mine or at such other place as may be approved by^{F4} the Executive] and where, by virtue of paragraph (d) of subsection (1) of section 12, districts are delimited in a mine for the purpose of the discharge of their duties by persons appointed for the purpose of fulfilling the requirements imposed with respect to the mine by virtue of paragraph (a) of that subsection, a copy of so much of the said rules as relates to each district shall be supplied by the manager of the mine to the person so appointed who is in charge of the district and shall be kept posted at the entrance to the district in such characters and in such a position as to be easily seen and read by the persons employed in the district.
- (6) It shall be the duty of the manager of every mine with respect to which support rules are for the time being in force to supply to every person employed at the mine whose duties consist of, or include, the setting of supports in accordance with a system specified in the rules, a document explaining either verbally or diagrammatically, or partly in the one way and partly in the other the effect of the rules so far as they concern him.
- (7) A document purporting to be certified by the manager of a mine to be a true copy of any support rules for the time being in force with respect to the mine shall be receivable in evidence and shall, unless the contrary is proved, be deemed to be such a copy.

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