



Mines Act (Northern Ireland) 1969

1969 CHAPTER 6

PART III

SAFETY, HEALTH AND WELFARE

SAFETY PRECAUTIONS IN CONNECTION WITH SHAFTS, &C., AND ENTRANCES TO DISUSED WORKINGS

30 Securing of shafts and staple-pits.

- (1) Every mine shaft and staple-pit shall, save in so far as the natural conditions of the strata through which it passes render it unnecessary (either as to the whole or as to any part thereof) so to make it, be made secure, and shall be kept secure.
- (2) In any prosecution for a contravention of subsection (1) with respect to a shaft or staple-pit, it shall be a defence to prove that at the time of the alleged contravention no insecure part of that shaft or staple-pit was in use or was the site of any operations in progress by way of driving or extending the shaft or staple-pit.
- (3) Subsection (1) shall apply to unwalkable outlets at a mine as it applies to mine shafts.

31 Safety precautions with respect to entrances to shafts, staple-pits and outlets.

- (1) The surface entrance to every mine shaft and every other entrance thereto (whether above or below ground), and every entrance to every staple-pit, shall be provided with an efficient enclosure or barrier so designed and constructed as to prevent any person from accidentally falling down the shaft or staple-pit or accidentally coming into contact with a moving part of any winding apparatus with which the shaft or staple-pit is provided.
- (2) Every enclosure or barrier provided in pursuance of subsection (1) shall be properly maintained and, where an enclosure or barrier so provided or any part thereof is removable or openable, the enclosure, barrier or part shall be kept securely in position

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or, as the case may be, securely closed save in so far as its removal or opening is necessary for the purpose of the use of the shaft or staple-pit in connection with which it is provided, the doing of work in the shaft or staple-pit or the inspection of, or of anything in, the shaft or staple-pit.

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

- (4) For the purposes of this section so much of any superstructure provided at the top of a shaft as forms an extension thereof shall be deemed to form part of the shaft.
- (5) This section shall not apply to a shaft or outlet of, or staple-pit in, an abandoned mine or a mine which has not been worked for a period of twelve months, but, save as aforesaid, shall apply as well to shafts, outlets and staple-pits which are not in use as to shafts, outlets and staple-pits which are in use.

S.32 rep. by SR 1980/333

Ss. 33-35 rep. by SR 1998/375

36 Prohibition of use of vehicles and conveyors in roads not affording free movement.

- (1) The manager of a mine—
 - (a) shall not permit vehicles to run in any road therein unless neither the vehicles nor their loads, nor (if the vehicles run as part of rope haulage apparatus) the ropes to which they are attached, rub against the roof or sides of the road, anything supporting the roof and sides of the road or either of them or anything in the road not provided for the purpose of controlling the vehicles or (in the case of vehicles which run as part of rope haulage apparatus) the ropes to which they are attached;
 - (b) shall not permit a conveyor to be operated in any road therein unless neither the conveyor nor its load rubs against the roof or sides of the road, anything supporting the roof and sides of the road or either of them or anything in the road.
- (2) In any prosecution for a contravention of this section with respect to the running of vehicles or the operation of a conveyor in a road in a mine on any occasion, it shall be a defence to prove either—
 - (a) that the sole purpose for which the vehicles were being run or the conveyor was being operated on that occasion was to facilitate the carrying out to the road of repairs the purpose of the carrying out whereof was to enable the manager of the mine, without contravention of this section, to permit vehicles to run or a conveyor to be operated in that road; or
 - (b) that—
 - (i) the fact that rubbing occurred on that occasion was due to a sudden decrease of the height or width of the road which it was impracticable to prevent; and
 - (ii) there was no reasonable ground for apprehending that the running of the vehicles or the operation of the conveyor, as the case may be, on that occasion would result in bodily injury to persons using the road; and

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- (iii) no avoidable delay was incurred in taking the steps necessary to complete the carrying out to the road, at the place where rubbing occurred, of such repairs as aforesaid.

37 Transport rules.

- (1) The manager of every mine shall have power to make rules (hereafter in this Act referred to as “transport rules”) with respect to the use of vehicles and conveyors in the mine and the conditions under which they may be so used and generally for securing the safe operation in the mine of vehicles and conveyors and the avoidance of bodily injury being caused to persons by reason of the running thereof, and in particular, but without prejudice to the generality of the foregoing words,—
- (a) specifying a standard height and width with respect to each length of road in the mine in which vehicles run or conveyors are operated;
 - (b) specifying the maximum loads (by reference to weight, dimensions, number or other criterion) that may be carried in vehicles in any length of road in the mine and the maximum number of vehicles (according as to whether they are loaded or unloaded) that may be coupled together to run as a set or train in any length of road in the mine;
 - (c) specifying the maximum speeds at which vehicles may run in any length of road in the mine; and
 - (d) prohibiting the conveyance in roads in the mine of persons in vehicles or on conveyors except in such circumstances and in accordance with such conditions, if any, as may be specified in the rules and specifying precautions to be observed when persons are so conveyed.
- (2) The exercise by the manager of a mine of the power conferred by subsection (1) shall be obligatory for the purpose mentioned in paragraph (a) of that subsection and also for the purposes mentioned in paragraphs (b) to (d) thereof save in so far as an exercise of that power for those purposes could, having regard to the circumstances of the mine, serve no object, and regulations may render an exercise of that power obligatory for any other purpose for which it may be exercised.
- (3) The power conferred by subsection (1) to specify by transport rules standard heights and widths with respect to lengths of road may, as respects any particular length of road, be so exercised as either to specify a standard height and width to be applicable without exception throughout that length of road or to specify a standard height and width to be applicable throughout that length of road but subject to exceptions (as regards height or width, or both) for such places therein as may be specified in the rules.
- (4) Transport rules having effect with respect to a mine may impose duties and prohibitions on persons employed thereat and, without prejudice to the generality of section 17(5) of the Interpretation Act (Northern Ireland) 1954, may make different provision with respect to different roads or classes of roads, different lengths of road or lengths of road of different classes and different classes of vehicles, conveyors and loads.
- (5) It shall be the duty of the manager of every mine—
- (a) so to frame such of the provisions of transport rules as have effect by virtue of paragraph (a) of subsection (1) as to secure that, as regards any length of road in the mine to which the provisions relate, the specified standard width is not less than such as is sufficient to permit of the provision of such amount

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- of space as may be calculated to secure the safety of persons who work in or pass through that length of road while vehicles are running or conveyors are being operated therein; and
- (b) so to frame such of the provisions of transport rules as have effect by virtue of paragraph (b) or (c) of that subsection as to secure that each maximum thereby specified is such as will, in his opinion, afford a reasonable margin of safety.
- (6) It shall be the duty of the manager of every mine—
- (a) to take, with respect to every length of road therein with respect to which a standard height and width is specified by provisions of transport rules having effect by virtue of paragraph (a) of subsection (1), such steps as are appropriate for securing that the height and width of that length of road throughout are at all times not less than the standard height and width so specified, save, so far as regards any such place therein as is specified in the rules by virtue of subsection (3), in so far as that height and width are, or either of them is, by virtue of that subsection, inapplicable;
- (b) to secure that all other provisions of transport rules relating to the mine are executed and enforced.
- (7) A transport rule which is inconsistent with the provisions of any regulations shall, to the extent of the inconsistency, be of no effect.
- (8) If an inspector reports to^{[F1} the Executive] that he is of opinion with respect to a mine that provision ought to be made by transport rules having effect with respect to the mine for any matter for which provision is not for the time being made by such rules or that different provision ought to be made by such rules for any matter for which provision is for the time being made by such rules,^{[F1} the Executive] may serve on the manager of the mine a notice specifying the matter for which provision or, as the case may be, different provision ought to be made as aforesaid and the nature of the provision that ought to be made, and requiring the manager, before the expiration of such period beginning with the day on which the notice becomes operative as may be specified therein, to exercise the power conferred on him by subsection (1) in accordance with the tenor of the notice.
- The provisions of Part XIII with respect to references upon notices served by^{[F1} the Executive] shall apply to a notice served under this subsection.
- (9) A copy of all transport 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^{[F1} the Executive], and notices containing a summary of so much of any such rules as affect any person shall be kept posted at suitable places in the mine in such characters and in such positions as to be easily seen and read by him.
- (10) A document purporting to be certified by the manager of a mine to be a true copy of any transport 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.

F1 SR 1999/150

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39 Provisions for securing safety of foot-passengers in transport roads.

(1) The following provisions shall have effect with respect to every length of road in a mine, being a length in which run vehicles moved otherwise than by hand (whether or not vehicles moved by that means also run therein):—

- (a) during any period during which vehicles are moving in that length of road otherwise than by that means, no person employed at the mine (other than an authorised person) shall, except in accordance with the provisions of regulations in that behalf, pass on foot along that length of road or any part thereof unless the movement of vehicles in that length of road, other than vehicles moved by that means, is specially stopped for the purpose of allowing him to do so;
- (b) if that length of road is used at the beginning or end, or at the beginning and end, of a shift by not less than ten persons for the purpose of walking to or from their working places in the mine, it shall be the duty of the manager of the mine to fix a period or periods for the purpose of enabling them to do so in safety, and no person shall cause or permit a vehicle (whether loaded or not) to move, otherwise than by that means, in that length of road during a period fixed in pursuance of the foregoing provisions of this paragraph;

but—

- (i) ...^{F2}[^{F3} the Executive] may, by notice served on the manager of a particular mine, exempt from the provisions of either or both of those paragraphs any such length of road as aforesaid in that mine; and
 - (ii) in any prosecution instituted in respect of a person's passing along a length of road or part thereof in contravention of paragraph (a), it shall be a defence to prove that that person had reasonable cause to believe that it might be necessary for repairs to be carried out forthwith in that length of road and was so passing for the purpose of verifying his belief and of ascertaining the nature or extent of the repairs which he believed it might be necessary to carry out.
- (2) Except with the written permission of the manager of a mine, no person shall, otherwise than in such circumstances and in accordance with such conditions, if any, as may be specified in transport rules having effect with respect to the mine, accompany on foot below ground in the mine a vehicle which is moving as part of any rope haulage apparatus.
- (3) For the purposes of paragraph (a) of subsection (1) the expression “authorised person” means, in relation to a length of road in a mine,—
- (a) an official of the mine;
 - (b) a person employed in connection with the running of vehicles in that length of road;
 - (c) a person engaged in or in connection with, the carrying out in that length of road of repairs which it is necessary to carry out forthwith; or
 - (d) a person engaged in carrying out, by virtue of the provisions of this Act relating to workmen's inspections or of any such agreement as is mentioned in those provisions, an inspection at the mine.

F2 SR 1980/333

F3 SR 1999/150

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40 Provision of refuge holes.

- (1) Subject to any exceptions for which provision may be made by regulations, the manager of a mine shall not permit vehicles (not being vehicles moved by hand) to run in any length of road in the mine unless there are provided in that length of road (except in so much, if any, of it as is within^{F4} 23 metres] of a working face served by it), at intervals not greater than such as may be prescribed and in the prescribed positions, refuge holes each of which is of such dimensions as may be prescribed and complies with such other requirements as may be prescribed.
- (2) Every refuge hole for the time being provided in a length of road in a mine for the purpose of enabling the manager of the mine, without contravention of subsection (1), to permit vehicles to run in that length of road shall be kept free from obstruction.
- (3) In this section the expression “working face” does not include a place in a road at which ripping or work of repair is in progress.

F4 SR 1991/239

41 Safety measures relating to use of vehicles.

- (1) So long as vehicles are used in a mine, there shall be provided, maintained and used, either in the mine or on the vehicles or both in the mine and on the vehicles, such safety devices as are necessary to prevent the occurrence of accidents likely to cause bodily injury to persons, being accidents caused by vehicles so used running away; and every device provided in pursuance of this subsection shall be of a kind designed to assume automatically the position in which it operates for the purpose for which it is designed, save in a case where there is good reason for not providing a device of that kind.
- (2) In addition to the provision, in pursuance of subsection (1), of such safety devices as are therein mentioned, there shall be taken, as respects a person who, otherwise than as a matter of routine, is at work at a place in a mine through which vehicles are running or are accustomed to run, such steps as are necessary to protect him from bodily injury in the event of a vehicle's running away while he is at work at that place.

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