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STATUTORY RULES OF NORTHERN IRELAND

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**1998 No. 375**

**HEALTH AND SAFETY**

**Mines (Safety of Exit) Regulations (Northern Ireland) 1998**

*Made* - - - - *30th October 1998*

*Coming into operation* *14th December 1998*

The Department of Economic Development, being the Department concerned<sup>(1)</sup>, in exercise of the powers conferred on it by Article 17(1) to (3) and (5) of, and paragraphs 1(1) and (2), 8, 11, 14(1), 17 and 20(a) and (b) of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978<sup>(2)</sup> and of every other power enabling it in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to the Department to be appropriate, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Mines (Safety of Exit) Regulations (Northern Ireland) 1998 and shall come into operation on 14th December 1998.

(2) In these Regulations—

“the Department” means the Department of Economic Development;

“exit” in relation to persons below ground means an exit which permits such persons safe access to the surface;

“manager” in relation to a mine means the person who is appointed under section 2 of the Mines Act (Northern Ireland) 1969<sup>(3)</sup>;

“mine” means a mine within the meaning of section 156 of the Mines Act (Northern Ireland) 1969;

“owner” in relation to a mine means the person for the time being entitled to work it;

“shaft” includes a staple-pit, raise, winze or any similar excavation whether sunk or in the course of being sunk and so much of any superstructure provided at the top of a shaft as forms an extension to the shaft shall be deemed to form part of the shaft which is below ground.

**Application**

2.—(1) These Regulations shall apply below ground to all mines.

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(1) See Article 2(2) of S.I. 1978/1039 (N.I. 9)

(2) S.I. 1978/1039 (N.I. 9)

(3) 1969 c. 6 (N.I.)

- (2) Where the number of persons working in any—
- (a) shaft which is in the course of being sunk;
  - (b) outlet which is in the course of being driven;
  - (c) inset; or
  - (d) exploratory development work from such a shaft, outlet or inset,

does not at any one time exceed 30, regulations 3, 5 and 7 shall not apply in relation to the exit or access to exits of such persons.

(3) For the purpose of paragraph (2) “inset” means a heading, chamber or other space in the course of being driven or excavated from a shaft or outlet and which is accessible only from a shaft or outlet and is not being driven or excavated solely or mainly for the purpose of getting of minerals or products of minerals.

### **Exits from the mine**

- 3.—(1) Subject to paragraph (2), the owner shall ensure that—
- (a) there are at least two shafts or outlets providing at least two separate exits to the surface; and
  - (b) the shafts or outlets are so separated that as far as is practicable anything which happens to one of them will not affect the safety of the other or others.

(2) Where the sinking of any shaft is commenced after the date on which these Regulations come into operation, that shaft shall not be less than 15 metres from any other shaft.

- (3) The manager shall—
- (a) so far as is practicable, ensure that when a person is below ground an exit from the mine is available for use; and
  - (b) so far as is reasonably practicable, ensure that two separate exits from the mine are so available.

(4) The manager shall prepare a suitable scheme of the action to be taken to secure the safety of persons below ground for any case where, due to an accident, dangerous occurrence or breakdown of apparatus or equipment, only one exit is available for use by such persons.

(5) Where, due to an accident, dangerous occurrence or breakdown of apparatus or equipment, only one exit is available for use by such persons, the manager shall—

- (a) ensure that the scheme referred to in paragraph (4) is brought into effect;
- (b) subject to paragraph (6), forthwith take steps to restrict the persons below ground to those who, as far as is practicable, will not be exposed to danger by reason that only one exit is available for use and who—
  - (i) are needed to carry out work essential for securing the safety of the mine;
  - (ii) are involved in work relating to the accident, dangerous occurrence or breakdown;
  - (iii) at the time the exit became unavailable, were already working below ground, provided they do not remain below ground after their normal period of work has ended; or
  - (iv) are needed to secure the health or safety of any person or welfare of animals;
- (c) forthwith notify the Department and the person, if any, for the time being nominated under Schedule 5 to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997(4) of that fact by the quickest practicable means; and

(d) post a notice in the covered accommodation at the mine stating that only one exit is available for use by persons below ground and that the manager is satisfied it is safe for persons to remain below ground and the reasons why he is so satisfied.

(6) Where, in the opinion of an inspector, the circumstances are such that it is unsafe for persons who are permitted to work below ground in accordance with paragraph (5)(b) to work in a particular place, he may issue a direction in writing requiring such persons to be withdrawn from that place, and the manager shall comply with that direction.

(7) Where, due to maintenance work which is planned, only one exit is available for use by persons below ground, the manager shall ensure that the only persons below ground are those who, so far as is practicable, will not be exposed to danger by reason that only one exit is available for use and who are—

- (a) needed to carry out work essential for securing the safety of the mine;
- (b) involved in the maintenance work; or
- (c) needed to secure the health or safety of those persons or the welfare of animals.

#### **Auxiliary apparatus and equipment**

4.—(1) The owner shall ensure, so far as is reasonably practicable, that persons are not endangered when all apparatus and equipment normally used by persons to leave the mine becomes unavailable or when there is a breakdown whilst persons are being wound and shall provide suitable and effective auxiliary apparatus and equipment to enable persons to gain exit to the surface safely.

(2) The manager shall make suitable rules for the use of the auxiliary apparatus and equipment referred to in paragraph (1) which include—

- (a) arrangements for the proper maintenance, examination and testing of the auxiliary apparatus and equipment;
- (b) the appointment of sufficient competent persons to inspect and operate such apparatus and equipment; and
- (c) arrangements for the adequate and effective training of such persons in the use of such apparatus and equipment,

and shall ensure that the rules are brought to the notice of the persons who may be affected by them and that a copy of the rules is posted in the covered accommodation at the mine.

#### **Access between exits**

5. The manager shall ensure that from each landing at a shaft or outlet used as an exit there is a road, ladderway or stairway to a landing at another shaft or outlet which is available for use as an exit.

#### **Construction and maintenance of roads, ladderways and stairways**

6. The manager shall ensure, so far as is reasonably practicable, that—

- (a) every road which persons walk along to or from their places of work—
  - (i) is suitably constructed and maintained for that purpose,
  - (ii) is safe and convenient to walk along and shall normally be not less than 1.7 metres in height, and
  - (iii) is kept free from obstruction; and
- (b) any ladderway or stairway is so constructed, installed and maintained that it can be used safely.

### **Ways from places of work**

7.—(1) Subject to paragraph (4), the manager shall ensure that, where it is reasonably practicable, every place where a person works shall have two different ways each of which is entirely separate from the other and leads to a different exit from the mine.

(2) The manager shall ensure that each way which leads to a shaft or outlet is clearly marked to indicate the shaft or outlet to which it leads.

(3) The manager shall make and operate a suitable scheme to familiarize each person with at least two ways out of the mine from the place or places where the person works.

(4) The requirement in paragraph (1), to provide two different ways each of which is entirely separate from the other and leads to a different exit from the mine, shall not apply where—

(a) there is either—

(i) a heading or other place where not more than 9 persons work (not counting up to 3 additional persons who are engaged temporarily in inspection, investigation or the taking of measurements or samples), or

(ii) a heading where not more than 18 persons work and where the horizontal width of the working face does not exceed the width of the heading measured across the direction of advance; and

(b) the manager has made suitable arrangements to ensure, so far as is practicable, that persons can leave the place safely, and that their safety is not endangered by the lack of two different ways, each of which is entirely separate from the other and leads to a different exit from the mine.

(5) Where the manager decides in accordance with paragraph (4)(a)(ii) that more than 9 but not more than 18 persons will work at a heading which does not have two different ways each of which is entirely separate from the other and leads to a different exit from the mine, he shall—

(a) give to the Department at least 7 working days' advance notice in writing of the implementation of that decision or such shorter notice as the Department may accept;

(b) at the same time notify that decision to the person, if any, nominated under Schedule 5 to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997;

(c) make suitable rules for the safe working in and exit from the heading, which incorporate a plan, and which include arrangements for inspection, examination and supervision in the heading; and

(d) send a copy of the rules with any notification made under paragraph (a) or (b).

(6) In paragraph (5), the reference to a plan means a plan designed to secure the safety of persons working at the heading.

### **Provision of barriers and enclosures**

8.—(1) The manager shall make arrangements to ensure that there is a suitable barrier or enclosure to prevent any person inadvertently entering any part of the mine which is not for the time being safe to work in or pass through.

(2) The person for the time being in charge of that part of the mine shall ensure that any such barrier or enclosure is properly maintained and kept in position.

(3) A person shall not move or interfere with any such barrier or enclosure without the authority of the manager.

### **Intake airways**

9. The manager shall ensure that, apart from those persons who are going to or leaving their place of work at the beginning or end of a shift, not more than 50 persons are employed below ground in any part of the mine unless—

- (a) there are two separate intake airways into that part of the mine which are connected only in such a way that, in the event of a fire, transmission of the products of combustion from one airway to the other is prevented so far as is reasonably practicable; or
- (b) there is one intake airway which is constructed of suitable fire resistant materials and is free, so far as is reasonably practicable, from the risk of fire.

### **Exemptions**

10.—(1) Subject to paragraph (2), the Department may, by a certificate in writing, exempt any mine, or part of a mine or class of mines from any requirement of these Regulations, and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by the Department by a certificate in writing.

(2) The Department shall not grant any such exemption unless, having regard to the circumstances of the case and in particular to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any statutory provision which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

### **Disapplication of section 135 of the Mines Act (Northern Ireland) 1969**

11. Section 135 of the Mines Act (Northern Ireland) 1969 (which provides a defence in legal proceedings and prosecutions in certain circumstances) shall not apply in relation to any prosecutions or other legal proceedings based on an allegation of a contravention of a requirement imposed by or under these Regulations.

### **Repeals, revocations and amendments**

- (a) 12. (1) (a) Sections 22 to 25, 33 to 35 and 70 of the Mines Act (Northern Ireland) 1969 are hereby repealed; and
- (b) regulations 4 and 7 of the Mines (Emergency Egress) Regulations (Northern Ireland) 1975(5) are hereby revoked.

(2) In the Mines Act (Northern Ireland) 1969 and in Regulations made under that Act or in health and safety regulations any reference to that Act shall be treated as including a reference to these Regulations.

(3) The provisions specified in the Schedule shall be amended in accordance with that Schedule.

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

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Sealed with the Official Seal of the Department of Economic Development on

L.S.

30th October 1998.

*R. G. F. Fry*  
Assistant Secretary

## SCHEDULE

Regulation 12(3)

### Amendments

#### *Mines Act (Northern Ireland) 1969*

1. In section 48(1) of the Mines Act (Northern Ireland) 1969 (which relates to the safety of roads and working places) for the words “section 33” there shall be substituted the words “regulation 8 of the Mines (Safety of Exit) Regulations (Northern Ireland) 1998”.

#### *Coal and Other Mines (Managers and Officials) Regulations (Northern Ireland) 1970*

2. In the Coal and Other Mines (Managers and Officials) Regulations (Northern Ireland) 1970<sup>(6)</sup>—

- (a) in regulation 20 (which relates to a deputy’s duty to fence off dangerous places) for the words “section 33 of the Act” there shall be substituted the words “regulation 8 of the Mines (Safety of Exit) Regulations (Northern Ireland) 1998”; and
- (b) in regulation 24 (which relates to a deputy’s duty to be acquainted with ways leading to exits)—
  - (i) for the words “of egress therefrom or from any place therein” there shall be substituted the words “each leading to a different exit”;
  - (ii) for the words “section 24 of the Act” there shall be substituted the words “regulation 7(1) of the Mines (Safety of Exit) Regulations (Northern Ireland) 1998”; and
  - (iii) after the words “from the district” for the words “and from any such place therein” there shall be substituted the words “and from every place where a person works”.

#### *Mines (Emergency Egress) Regulations (Northern Ireland) 1975*

3. In the Mines (Emergency Egress) Regulations (Northern Ireland) 1975—

- (a) in regulation 5 (which relates to the use of gravity winding apparatus), in paragraph (1), for the words “any scheme made under these Regulations” there shall be substituted the words “any rules made under regulation 4(2) of the Mines (Safety of Exit) Regulations (Northern Ireland) 1998”;
- (b) in regulation 5, in paragraph (2), for the word “scheme” there shall be substituted the word “rules”; and
- (c) in regulation 6, for the words “any scheme made under these regulations” there shall be substituted the words “any rules made under regulation 4(2) of the Mines (Safety of Exit) Regulations (Northern Ireland) 1998”.

#### *Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997*

4. In paragraph 34 of Schedule 2 to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997 (which relates to the use of emergency escape apparatus), for the words “the Mines (Emergency Egress) Regulations (Northern Ireland) 1975” substitute the words “the Mines (Safety of Exit) Regulations (Northern Ireland) 1998”.

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<sup>(6)</sup> S.R. & O. (N.I.) 1970 No. 128

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## EXPLANATORY NOTE

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

The Regulations apply below ground to mines (*regulation 2*), and provide for safe ways of leaving a mine.

*Regulation 3* provides for two separate exits from the mine to the surface. It imposes duties on the manager in respect of exits available for use, and requires a scheme and precautions to apply where only one exit is available due to accident, dangerous occurrence or breakdown. This regulation also requires the manager to restrict the number of persons below ground where only one exit is available due to maintenance which is planned.

*Regulation 4* imposes duties on the owner of the mine when apparatus and equipment used by persons to leave the mine is unavailable or breaks down and provides for auxiliary apparatus and equipment. It requires the manager to make rules for the use of auxiliary apparatus and equipment.

*Regulation 5* provides for a road, ladderway or stairway between landings at shafts or outlets used as exits. *Regulation 6* imposes duties on the manager in relation to the construction and maintenance of certain roads which persons walk along and ladderways and stairways.

With the exceptions provided for by paragraph (4), *regulation 7* requires the manager to ensure that workplaces have two different ways out, that the ways out are marked and that a scheme familiarizes persons with two ways out. Where more than nine but not more than eighteen persons work at a heading without two separate ways out, paragraph (5) requires the manager to give certain notices and make rules for safe working in and exit from the heading.

*Regulation 8* requires the provision of barriers and enclosures to prevent persons inadvertently entering an unsafe part of the mine. It imposes duties on the manager and other persons in relation to those barriers and enclosures.

Where more than 50 employees are below ground (apart from shift changes) *regulation 9* requires the manager to ensure either that there are two separate intake airways connected so as to prevent fire in one affecting the other so far as is reasonably practicable, or one fire resistant intake airway. *Regulation 10* allows the Department of Economic Development to exempt a mine, part of a mine or a class of mines from the Regulations. *Regulation 11* disapplies section 135 of the Mines Act (Northern Ireland) 1969 (defence in certain legal proceedings).

*Regulation 12* repeals certain provisions of the Mines Act (Northern Ireland) 1969 namely, sections 22 to 25 (shafts and outlets in coal etc. mines), sections 33 to 35 (unfit parts of a mine, construction, maintenance, etc. of roads) and section 70 (fire precautions for single intake airways). Parts of the Mines (Emergency Egress) Regulations (Northern Ireland) 1975 are revoked. Provision is also made for references to the Mines Act (Northern Ireland) 1969, in that Act, in Regulations made under that Act and in health and safety regulations to include a reference to these Regulations.

*The Schedule* sets out provisions modified by these Regulations.

A person who contravenes the Regulations or any requirement or prohibition imposed thereunder is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable, on summary conviction, to a fine not exceeding the statutory maximum (currently £5,000) or, on conviction on indictment, to a fine.