
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 427

The Mines Regulations (Northern Ireland) 2016

PART 1

INTERPRETATION AND GENERAL

Interpretation

2.—(1) In these Regulations—

“the 1969 Act” means the Mines Act (Northern Ireland) 1969⁽¹⁾;

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978;

“the 1995 Regulations” means the Mines and Quarries (Tips and Tipping Plans) Regulations (Northern Ireland) 1995⁽²⁾;

“the 2006 Regulations” means the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006⁽³⁾;

“abandoned mine” means—

- (a) a mine to which section 129 of the 1969 Act applied immediately before the date on which these Regulations came into operation; or
- (b) a mine in respect of which a notice of abandonment has been given;

“action level” means—

- (a) in relation to respirable dust, a concentration in air equal to or greater than 3 mg/m³ as a time-weighted average over a 40 hour period; and
- (b) in relation to respirable crystalline silica, a concentration in air equal to or greater than 0.3 mg/m³ as a time-weighted average over a 40 hour period;

“appoint” in relation to a person means appoint in writing with a statement summarising the person’s duties and authority;

“auxiliary fan” means a fan used or intended to be used at a mine wholly or mainly for ventilating a heading, drift or blind end;

“competent” in relation to a person means a person with sufficient training and experience, or knowledge and other qualities, to enable that person properly to undertake the duties assigned to that person;

“conveyance” means any carriage, cage, skip or kibble in which persons, minerals or materials are wound through a shaft;

⁽¹⁾ 1969. c.6 (N.I.)

⁽²⁾ S.R. 1995 No. 296

⁽³⁾ S.R. 2006 No.425 as amended by S.R. 2009 No. 248

“COSHH” means the Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003⁽⁴⁾;

“counterweight” means a frame containing weights connected into a single conveyance winding system to reduce the out of balance static loads within the system;

“danger area” means any part of the mine below ground which is not for the time being safe to work in or pass through;

“DSEAR” means the Dangerous Substances and Explosive Atmospheres Regulations (Northern Ireland) 2003⁽⁵⁾;

“escape and rescue plan” has the meaning given in regulation 54;

“emergency” means a situation which renders necessary the evacuation or rescue (or both) of persons from a mine;

“explosive article” means an article containing one or more explosive substances;

“explosive substance” has the meaning given in regulation 2(1) of the 2006 Regulations;

“explosives” means explosive articles or explosive substances;

“gas outburst” means a sudden release of gas with or without the projection of minerals or rocks;

“ground control measure” means a measure designed to control the movement of the ground, including the provision and installation of support materials;

“health and safety document” has the meaning given in regulation 9(1);

“health surveillance” means an assessment of the state of health of a person, in relation to exposure to inhalable dust;

“inhalable dust” means airborne material which is capable of entering the nose and mouth during breathing, as defined by BS EN 481: 1993⁽⁶⁾;

“inrush” means a sudden, unexpected inflow into the mine having the potential to expose persons to danger;

“lower explosive limit” means the minimum concentration of vapour in air below which propagation of a flame will not occur in the presence of an ignition source;

“the Management Regulations” means the Management of Health and Safety at Work Regulations (Northern Ireland) 2000⁽⁷⁾;

“mine” has the meaning given in regulation 3;

“mine operator” means—

- (a) in relation to a mine, the person who is in control of the operation of the mine; and
- (b) in relation to a mine which is to be constructed or operated, the person who proposes to control its operation or (if that person is not known) the person who in the course of a trade, business or other undertaking carried on by that person has commissioned its design and construction;

“misfire” means an occurrence in relation to the firing of shots where—

- (a) testing before firing reveals broken continuity which cannot be rectified; or
- (b) a shot or any part of a shot fails to explode when an attempt is made to fire it;

“notice of abandonment” means a notice given under regulation 6(3) that a mine has been abandoned;

(4) S.R. 2003 No.34 as amended by S.R. 2003 No. 288 and S.R. 2005 No. 165

(5) S.R. 2003 No.152

(6) British Standard: Workplace atmospheres. Size fraction definitions for measurement of airborne particles.

(7) S.R. 2000 No.388 as amended by S.R. 2001 No. 348, S.R. 2003 No. 454 and S.R. 2006 No. 255

“notifiable tip” has the meaning given in regulation 63;

“overwind” means unintentional overtravel of a conveyance or counterweight beyond the limits set by a device installed for the purpose of preventing such overtravel;

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

“potentially hazardous area” has the meaning given in regulation 34;

“PUWER” means the Provision and Use of Work Equipment Regulations (Northern Ireland) 1999(8);

“respirable dust” means airborne material which is capable of penetrating the gas exchange region of the lung, as defined by BS EN 481: 1993;

“respiratory protective equipment” means equipment which is intended to be worn or held by a person at work and which protects that person against risks to that person’s health from inhalation of harmful substances, and any addition or accessory designed to meet that objective;

“rockburst” means a sudden, violent failure of stopes, pillars, walls or other rock buttresses adjacent to or in the mine workings;

“self-rescuer” means respiratory protective equipment designed for use while escaping from a mine;

“shaft” includes a staple-pit, raise, winze, or any similar excavation (whether sunk or in the course of being sunk);

“shot” means a single shot or a series of shots fired as part of one blast;

“shotfirer” means a person appointed in accordance with the mine operator’s written procedures to be responsible for shotfiring operations;

“tip” means an accumulation or deposit of any refuse from a mine (whether in a solid or liquid state or in solution or suspension) other than an accumulation or deposit situated underground, and includes, but is not limited to—

- (a) overburden dumps, backfill, spoil heaps, stock piles and lagoons, and
- (b) any wall or other structure that retains or confines a tip;

“tips rules” has the meaning given by regulation 66;

“ventilation plan” has the meaning given by regulation 59;

“winding apparatus” means mechanically operated apparatus for lowering and raising loads through a shaft and includes a conveyance or counterweight attached to such apparatus and all ancillary apparatus.

(2) For the purposes of these Regulations, a mine is treated as being worked at any time when—

- (a) there are persons at work below ground; or
- (b) plant or equipment is in operation at the mine to maintain the safety of that mine or of any other mine; or
- (c) the operation of sinking a shaft or driving an outlet is being undertaken at the mine.

(3) For the purposes of these Regulations, the mine with which a tip is associated is determined as follows—

- (a) in the case of a tip on premises which are deemed to form part of a mine, the tip is associated with that mine;
- (b) in the case of a tip not falling within paragraph (a) but on premises which, at any time after the date on which these Regulations come into operation, have been deemed to form part

of a mine, the tip is associated with that mine, or (if applicable) the most recent mine of which the tip has been deemed to form part; and

- (c) in any other case, the tip is associated with the mine from which refuse is deposited on the tip, or, in the case of a tip which is used for the deposit of refuse from more than one mine, whichever of those mines the Executive directs in writing.