



# Mines and Quarries Act 1954

## 1954 CHAPTER 70

### PART III

#### SAFETY, HEALTH AND WELFARE (MINES)

##### *Roads*

#### **34 General provisions with respect to construction and maintenance of roads**

- (1) It shall be the duty of the manager of every mine to take, with respect to every length of road therein, being a length in which vehicles or conveyors run or which is used, at the beginning or end of a shift by not less than ten persons for the purpose of walking to or from their working places in the mine, such steps as may be necessary to secure that the following provisions are complied with, namely,—
  - (a) every such length of road made after the commencement of this Act shall be so made and maintained as to avoid sudden changes of direction, height, width and gradient save in so far as either—
    - (i) the system of working the mine or the natural conditions of the strata therein render it inadvisable for reasons of safety to do so ; or
    - (ii) it is unnecessary to do so;
  - (b) every such length of road (whether made before or after the commencement of this Act) shall be kept free from obstructions and the floor thereof shall be kept in good repair and in such a condition that any persons or animals who use that length of road can tread it with safety and reasonable convenience.
- (2) If, with respect to any such length of road as aforesaid in a mine (being a length made before the commencement of this Act) an inspector is of opinion that any sudden change therein of direction, height, width or gradient ought to be eliminated, he may serve on the manager of the mine a notice specifying that length of road and any such sudden change as aforesaid which he thinks ought to be eliminated and requiring the manager to execute, before the expiration of such period beginning with the date on which the notice becomes operative as may be specified therein, such works to that length of road as will eliminate that sudden change.

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The provisions of Part XV of this Act with respect to references upon notices served by inspectors shall apply to a notice served under this subsection.

- (3) References in this section to changes of gradient shall be construed as including references to deviations (whether upwards or downwards) from the horizontal.

### **35 Height and width of travelling roads**

- (1) Every length of road in a mine which is used at the beginning or end of a shift by not less than ten persons for the purpose of walking to or from their working places in the mine, being a length made after the commencement of this Act, shall be not less than five feet six inches high throughout:

Provided that—

- (a) provision may be made by regulations for exempting from the foregoing provisions of this subsection any such lengths of road as aforesaid of a prescribed class in mines to which the regulations apply, or any prescribed parts of any such lengths of road in such mines or of any such lengths of road of a prescribed class in such mines ; and
- (b) an inspector may, by notice served on the manager of a particular mine, exempt from those provisions any such length of road as aforesaid in that mine or any part of any such length of road.
- (2) If, with respect to a length of road in a mine which is used as mentioned in subsection (1) of this section, being a length made before the commencement of this Act which is not throughout of a height of at least five feet six inches, an inspector is of opinion that it is inexpedient that it should continue to be so used unless it is heightened, he may serve on the manager of the mine a notice specifying that length of road and the height (not being more than five feet six inches) to which, in his opinion, it ought to be increased if it is to continue to be so used (hereinafter referred to as " the specified height"), and directing that, after the expiration of such period beginning with the day on which the notice becomes operative as may be specified therein, every part of that length of road which is so used shall be throughout (except at such places, if any, therein as may be specified in the notice) of a height not less than the specified height.
- (3) If, with respect to a length of road in a mine (whether made in whole or in part either before or after the commencement of this Act), being a length which is used as mentioned in subsection (1) of this section, an inspector is of opinion that it is inexpedient that it should continue to be so used unless it is widened, he may serve on the manager of the mine a notice specifying that length of road and the width to which, in his opinion, it ought to be increased if it is to continue to be so used (hereinafter referred to as " the specified width ") and directing that, after the expiration of such period beginning with the day on which the notice becomes operative as may be specified therein, every part of that length of road which is so used shall be throughout (except at such places, if any, therein as may be specified in the notice) of a width not less than the specified width.
- (4) The provisions of Part XV of this Act with respect to references upon notices served by inspectors shall apply to a notice served under either of the two last foregoing subsections.

### **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, nor (if the vehicles are hauled by animals) the animals nor their harnesses 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 or animals using the road ; and
    - (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 ;

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- (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 the foregoing subsection 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) of this section 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 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) of this section 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 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) of this section, 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) of this section, 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 regulation shall, to the extent of the inconsistency, be of no effect.

- (8) If an inspector 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, he may serve on the manager of the mine a notice stating that he is of that opinion, specifying the matter for which, in his opinion, provision or, as the case may be, different provision ought to be made as aforesaid and the nature of the provision that, in his opinion, 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) of this section in accordance with the tenor of the notice.

The provisions of Part XV of this Act with respect to references upon notices served by inspectors 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 an inspector, 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.

### **38 Power to require provision of travelling facilities**

Regulations may require the provision, in such cases as may be prescribed, of facilities whereby persons employed below ground in mines may be carried through the roads whereby they go to and from their working places or through parts of those roads, being cases where the provision of such facilities as aforesaid appears to the Minister to be necessary or expedient in the interests of safety or for the purpose of avoiding excessive fatigue being caused to such persons in going to and from those places.

### **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 or by animal traction (whether or not vehicles moved by those means also run therein):—
- (a) during any period during which vehicles are moving in that length of road otherwise than by those 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 those 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)

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to move, otherwise than by those means, in that length of road during a period fixed in pursuance of the foregoing provisions of this paragraph:

Provided that—

- (i) provision may be made by regulations for exempting from the provisions of either or both of the foregoing paragraphs any such lengths of road as aforesaid of a prescribed class in mines to which the regulations apply, and an inspector 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) of this subsection, 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) of this section 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.

#### **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 seventy-five feet 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 the foregoing subsection, 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.

#### **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 the foregoing subsection, 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.