
STATUTORY INSTRUMENTS

1995 No. 2005

HEALTH AND SAFETY

**The Mines Miscellaneous Health and
Safety Provisions Regulations 1995**

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| <i>Made</i> | - - - - | <i>26th July 1995</i> |
| <i>Laid before Parliament</i> | | <i>7th August 1995</i> |
| <i>Coming into force</i> | - - | <i>26th October 1995</i> |

The Secretary of State, in exercise of the powers conferred upon him by sections 15(1), (2), (3) (a) and (b), (4)(a), and 82(3)(a) of, and paragraphs 1(1) and (2), 8, 9, 11, 12, 14, 16, 18(a) and 21(b), of Schedule 3 to, the Health and Safety at Work etc. Act(1) (“the 1974 Act”) and of all other powers enabling him in that behalf for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as The Mines Miscellaneous Health and Safety Provisions Regulations 1995 and shall come into force on 26th October 1995.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the 1954 Act” means the Mines and Quarries Act 1954(2);

“the 1992 Regulations” means the Management of Health and Safety at Work Regulations 1992(3);

“the 1993 Regulations” means the Management and Administration of Safety and Health at Mines Regulations 1993(4);

(1) 1974 c. 37; sections 15(1) and 50(3) were amended by Schedule 15 of the Employment Protection Act 1975 (c. 71) paragraphs 6 and 16(3) respectively.
(2) 1954 c. 70, extended by the Mines and Quarries (Tips) Act 1969 (c. 10); relevant amending instruments are S.I. 1974/2013, 2063 and S.I. 1993/1897.
(3) S.I. 1992/2051; amended by S.I. 1994/2865.
(4) S.I. 1993/1897.

“approved” means approved for the time being in writing by the Executive and “approve” and “approval” shall be construed accordingly;

“employer” includes the owner if he employs persons at work at the mine;

“the Executive” means the Health and Safety Executive;

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

“the health and safety document” shall be construed in accordance with regulation 4;

“hydraulic fluid” means a fluid used for the transmission of hydrostatic or hydrokinetic mechanical energy;

“manager” means—

(a) the person appointed as the manager of the mine under regulation 8 of the 1993 Regulations; and

(b) in relation to a part of a mine, the person appointed as the manager of that part under regulation 15 of the 1993 Regulations;

“mine” means a mine within the meaning of the 1954 Act;

“owner” means an owner within the meaning of section 181 of the 1954 Act;

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

(2) In these Regulations, unless the context otherwise requires—

(a) a reference to a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations so numbered; and

(b) a reference to a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which that reference occurs.

Application

3.—(1) Save where the contrary intention appears, these Regulations shall apply to all mines.

(2) These Regulations shall apply to a self-employed person as they apply to an employer and as if that self-employed person were both an employer and a person at work.

The health and safety document

4.—(1) The owner of every mine shall ensure that no work shall be carried out at the mine unless a document (in these Regulations referred to as the “health and safety document”) has been prepared, which

(a) demonstrates that the risks to which persons at work at the mine are exposed have been assessed in accordance with regulation 3 of the 1992 Regulations;

(b) demonstrates that adequate measures, including measures concerning the design, use and maintenance of the mine and its equipment, have been and will continue to be taken to safeguard the health and safety of the persons at work; and

(c) includes a statement of how the measures referred to in sub-paragraph (b) will be co-ordinated.

(2) In addition to the matters referred to in paragraph (1), the health and safety document shall where appropriate also include—

(a) a plan detailing the equipment and measures required to protect persons at work at the mine from the risk of explosion;

- (b) a fire protection plan detailing the likely sources of fire, and the precautions to be taken to protect against, to detect and combat the outbreak and spread of fire;
 - (c) where toxic gases are or may be present in the atmosphere at the mine, in such concentration that the atmosphere may be harmful to the health of persons at work, a plan detailing the protective equipment and measures required to protect persons at work at the mine from the harmful atmosphere; and
 - (d) in any zone below ground where rockbursts or gas outbursts may occur an operating plan setting out as far as possible the susceptible zones and the measures necessary for the protection of persons at work in, approaching or traversing such zones.
- (3) The owner shall ensure that the health and safety document is—
- (a) kept up to date and revised where necessary including, without limitation, if the mine undergoes major changes (including natural changes), extensions or conversions; and
 - (b) made available to each employer of persons at work at the mine.
- (4) The owner shall ensure that the measures identified in the health and safety document are taken and that any plans included in that document are followed.

Co-ordination

5. The owner shall co-ordinate the implementation of all measures relating to the health and safety of the persons at work at the mine.

Additional health and safety requirements

- 6.—(1) Subject to paragraph (2),
- (a) every employer of persons at work at a mine shall ensure that the additional health and safety requirements set out in Part I of Schedule 1; and
 - (b) every owner of a mine shall ensure that the additional health and safety requirements set out in Part II of Schedule 1,

are in each case complied with as appropriate having regard to the features of the mine, to the nature and circumstances of the work carried on there and to the provisions of the health and safety document.

(2) The additional health and safety provisions referred to in paragraph (1) shall apply without prejudice to the requirements of the relevant statutory provisions relating to the mine.

Health surveillance

7.—(1) An employer of a person at work at a mine shall ensure that he is provided with such health surveillance as is appropriate; and where that person is assigned to the work after the date of coming into force of these Regulations, the health surveillance shall be commenced before he is so assigned.

(2) In this regulation “appropriate” means appropriate having regard to the nature and magnitude of the risks to the health and safety of the persons created by the relevant work.

Hydraulic fluids

8.—(1) Subject to the provisions of paragraph (2) the manager of every mine shall ensure so far as is reasonably practicable that only hydraulic fluids which are both difficult to ignite and satisfy any specifications relating to fire resistance and hygiene approved for the purposes of this regulation are used at the mine.

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

(2) Where it is not reasonably practicable to use hydraulic fluids which satisfy the requirements of paragraph (1) the manager shall ensure that appropriate action is taken to avoid any increased risk of fire resulting from the use of the hydraulic fluid.

Disapplication of section 157 of the 1954 Act

9. Section 157 of the 1954 Act (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 or prohibition imposed by these Regulations.

Modifications

10. The provisions of the instruments specified in column 1 of Schedule 2 shall be modified to the extent specified in the corresponding entry in column 2 of that Schedule.

Revocations

11. The Coal and other Mines (Working Plans) Rules 1956(5) and the Coal and other Mines (Abandonment Plans) Rules 1956(6) are hereby revoked.

Signed by authority of the Secretary of State

Department of the Environment
26th July 1995

David Curry
Minister of State,

(5) S.I. 1956/1782.
(6) S.I. 1956/1783.

SCHEDULE 1

Regulation 6

ADDITIONAL HEALTH AND SAFETY REQUIREMENTS

PART I

REQUIREMENTS ON EMPLOYERS

The additional health and safety requirements on an employer of persons at work at a mine are as follows:—

Work permits

1.—(1) Where it is shown by the health and safety document that such a measure is necessary, a system of work permits shall be introduced for carrying out hazardous operations and usually straightforward operations which may interact with other activities to cause serious hazards.

(2) Work permits shall specify the conditions to be fulfilled and the precautions to be taken before, during and after, the work concerned and shall be issued by the employer or person at work in charge of those operations.

PART II

REQUIREMENTS ON OWNERS

The additional health and safety requirements on every owner of a mine are as follows:—

Lighting

1. Every place above ground at a mine where a person is likely to be exposed to risks in the event of the failure of artificial lighting shall be provided with emergency lighting of adequate intensity and where that is impractical persons at work in that place shall be provided with a personal lamp.

Control of explosive atmospheres above ground

2. Where there is a risk of an unintended explosion at any place above ground at a mine, all necessary measures shall be taken with a view to—

- (a) preventing the occurrence and accumulation of explosive atmospheres; and
- (b) preventing the ignition of explosive atmospheres.

Smoking and use of open flame

3. At every place, at a mine, where there is a particular risk of fire or explosion

- (a) smoking shall be forbidden; and
- (b) no open flame shall be used nor any work carried out which may give rise to an ignition hazard unless safety precautions are first taken to prevent the occurrence of any fire or explosion.

Fire-fighting equipment

4. The location of fire-fighting equipment shall be indicated by signs which are placed at appropriate points at the mine.

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Written instructions

- 5. Written instructions shall be drawn up for every mine which shall set out comprehensible
 - (a) rules and safety instructions to be observed to ensure the health and safety of persons at work and the safe use of equipment; and
 - (b) information on the use of emergency equipment and action to be taken in the event of an emergency at or near any place of work at the mine.

Flammable materials taken below ground

- 6. Flammable materials taken below ground at a mine shall be limited to the quantity which is strictly necessary.

SCHEDULE 2

Regulation 10

MODIFICATIONS TO REGULATIONS

| <i>Column 1</i> <i>Provision</i> | <i>Column 2</i> <i>Extent of modification</i> |
|--|--|
| The Electricity at Work Regulations 1989(7) Regulation 18 | For regulation 18 of the Electricity at Work Regulations 1989 substitute the following regulation—, <p style="text-align: center;">“Introduction of electrical equipment</p> <p>18. Before electrical equipment (other than equipment approved for the purposes of regulation 20(1)) is first introduced into any underground part of a safety-lamp mine,, the manager shall submit to an inspector a copy of the plan required to be kept for that part by regulation 29(5) of the Management and Administration of Safety and Health at Mines Regulations 1993, on which the intended locations of that equipment shall be shown together with a copy of any schematic diagram relating to that part prepared for the purposes of regulation 24(1)”.</p> |
| The 1993 Regulations Regulation 2 | For the definition of “mine” substitute the words— ““mine” means any mine within the meaning of the 1954 Act;” For the definition of “owner” substitute the words— ““owner” means any owner within the meaning of section 181 of the 1954 Act;”. |

(7) [S.I. 1989/635](#) amended by [S.I. 1992/3073](#).

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| <i>Column 1</i> <i>Provision</i> | <i>Column 2</i> <i>Extent of modification</i> |
|---|--|
| The Mines (Shafts and Winding) Regulations 1993(8) Regulation 2 | For the definition of “mine” substitute the words— ““mine” means any mine within the meaning of the Mines and Quarries Act 1954;”. For the definition of “owner” substitute the words— ““owner” means any owner within the meaning of section 181 of the Mines and Quarries Act 1954;”. |

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations give effect (to the extent specified below), in relation to mines, to Council Directive [92/104/EEC](#) concerning the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries. The Regulations also contain other provisions.

2. The Regulations implement the Directive with respect to—

- (a) safety instructions (Article 3.1(d)), the drawing up of a “health and safety document” and the carrying out of work in accordance with it (Article 3.2 and Point 1 of Part C) and the co-ordination of health and safety measures (second paragraph of Article 3.3);
- (b) health surveillance (Article 8);
- (c) the following matters in Part A of the Annex to the Directive:
 - (i) written instructions (Point 1.6) and work permits (Point 1.8);
 - (ii) smoking and the use of open flame (Point 4.1.2), protection from explosion risks (Point 4.2), protection plans where toxic gases are present in the atmosphere (Point 4.3.3), fire protection plans (Point 4.4.4) and fire-equipment signs (Point 4.4.5);
 - (iii) provision of emergency lighting and personal lamps (Point 13.4);
- (d) operating plans for rockbursts and gas outbursts (Point 10.1, Part C of the Annex);
- (e) flammable materials (Point 11.2, Part C of the Annex) and hydraulic fluids (Point 11.3, Part C of the Annex).

3. *Regulation 4* requires the owner of every mine to ensure that no work is carried out at the mine unless a health and safety document has been prepared which demonstrates that the risks to which persons at work at the mine are exposed have been assessed and that adequate measures have and will be taken to safeguard their health and safety. The Regulations also provide that, where appropriate, specified plans should be included in the document. The owner is required to ensure that the measures set out in the document are taken and that any plans included in the document are followed.

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4. *Regulation 5* provides that the owner shall co-ordinate the implementation of all measures relating to the health and safety of the persons at work at the mine.

5. *Regulation 6* provides that every employer of persons at work at a mine and every owner of a mine shall ensure that the additional health and safety requirements, set out in Parts I and II of Schedule I respectively, are, as appropriate having regard to specified matters, complied with.

6. *Regulation 7* requires an employer of a person engaged in work at a mine to ensure that that person is provided with such health surveillance as is appropriate.

7. *Regulation 8* requires the manager of every mine to ensure so far as is reasonably practicable that only hydraulic fluids which are difficult to ignite and satisfy fire resistance and hygiene specifications approved by the Health and Safety Executive are used at the mine. Where not reasonably practicable the manager is required to ensure that appropriate action is taken to avoid any increased risk from the use of the hydraulic fluid.

8. *Regulation 9* provides that section 157 of the Mines and Quarries Act 1954 (which provides a defence in legal proceedings in certain circumstances), shall not apply to prosecutions or other proceedings based on an alleged contravention of the Regulations.

9. *Regulation 10* provides for the modifications of the Electricity at Work Regulations 1989, the Management and Administration of Safety and Health at Mines Regulations 1993 and the Mines (Shafts and Winding) Regulations 1993 set out in Schedule 2.

10. *Regulation 11* revokes the Coal and other Mines (Working Plans) Rules 1956 and the Coal and other Mines (Abandonment Plans) Rules 1956.