
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations impose requirements with respect to the escape and rescue from mines. The Regulations also give effect (to the extent specified below) 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.

2. The Regulations implement the Directive with respect to—
- (a) safety drills (Article 3.1.(f) and Point 11, Part A of the Annex);
 - (b) escape and rescue facilities (Article 5);
 - (c) communication, warning and alarm systems (Article 6);
 - (d) means of evacuation and escape (Point 10, Part A of the Annex);
 - (e) precautions for withdrawal of workers (Point 12, Part C of the Annex);
 - (f) rescue organisation (Point 15, Part C of the Annex).

Part I— Interpretation and General

3. Pursuant to *Regulation 3* these Regulations apply to all mines, except for specified regulations which do not apply to tourist mines and Part IV (which makes provision for rescue teams and the conduct of rescue operations) which applies only to coal mines, any other mine containing zones below ground in which firedamp occurs in sufficient quantity to indicate danger and any other mine where the atmosphere below ground is such as to require the use of breathing apparatus.

Part II— Escape and Emergency Organisation

4. *Regulation 4* provides that the manager of every mine shall prepare, maintain and review a written emergency plan for the evacuation and rescue of persons from the mine in an emergency situation. The manager is required to ensure that the appropriate action set out in the plan is taken in such a situation. *Regulation 5* contains requirements in relation to the provision of accommodation at a mine for those persons involved in rescue operations. *Regulation 6* contains requirements for emergency equipment to be available for use at all times, maintained in good condition and stored in an easily accessible place. *Regulation 7* requires the owner of every mine to keep readily available plans of the mine suitable for use in an emergency situation. *Regulation 8* requires the owner of every mine to establish and maintain warning and communication systems for escape and rescue operations and requires the manager to ensure that they are put into use in an emergency situation. *Regulation 9* contains requirements in relation to authorised access below ground in an emergency situation. *Regulation 10* contains requirements with regard to the provision and maintenance of self-rescuers (as defined in *regulation 2(1)*). *Regulation 11* requires the manager of every mine to ensure that all persons who work at the mine are trained in, and all other persons who go below ground at the mine receive information on, the appropriate action to be taken and the use of equipment to be used in an emergency situation.

Part III— Rescue General Duties

5. *Regulation 12* provides that no mine shall be worked unless the owner has made effective arrangements suitable for the rescue of persons from the mine and for the carrying out of work

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

necessary to secure the health and safety of persons below ground in an emergency situation. The Regulation contains further requirements with regard to those mines to which Part IV applies. In particular it requires owners to make effective arrangements to ensure that in certain circumstances there are two rescue teams available who can reach the mine within sixty minutes and with regard to coal mines that there is a twenty-four hour rescue service available following an emergency situation below ground. *Regulation 13* provides that no coal mine shall be worked unless the owner is a participant in a mine rescue scheme approved by the Secretary of State. *Regulation 14* places requirements on the owner and manager of a coal mine with regard to the inspection of emergency accommodation and equipment by any person designated under the relevant mine rescue scheme. It requires the manager to ensure that action is taken to remedy any defects found.

Part IV— Rescue Team and Conduct of Rescue Operations

6. *Regulations 15 and 16* contain requirements as to the number of persons to serve in a rescue team and the qualification and experience required in order to serve on a rescue team. *Regulation 17* provides that only competent and suitably experienced persons may train rescue team members for rescue operations involving the use of breathing apparatus. *Regulation 18* contains requirements as to the medical examination of rescue team members who are to use breathing apparatus in rescue operations. *Regulation 19* requires each team rescue member to report to the appropriate person if aware of any reason why he may not be fit to undertake rescue work. *Regulation 20* contains requirements as to the records to be kept of medical examinations and training of rescue team members. *Regulation 21* provides for a rescue operation to be under the immediate control of the rescue team captain. *Regulation 22* requires the manager to ensure that where reasonably foreseeable that breathing apparatus could be required in any operation, it is undertaken under the direction of a rescue officer. *Regulation 23* provides that every rescue officer or other person in charge of operations which involve rescue team members wearing breathing apparatus shall work to secure the safety of rescue team members. *Regulation 24* contains a requirement as to consultation with the rescue officer. *Regulation 25* concerns the qualification and experience of rescue officers. *Regulation 26* contains requirements in relation to training for the use of breathing apparatus and the maintenance and testing of that apparatus. *Regulation 27 and the Schedule* contain requirements in relation to the audible signals to be used in rescue work and training for rescue work.

Part V— Miscellaneous

7. *Regulation 28* enables the Health and Safety Executive to make exemptions from the prohibitions and requirements of these Regulations. *Regulation 29* provides that section 157 of the Mines and Quarries Act 1954 (which provides a defence to legal proceedings in certain circumstances) shall not apply to any prosecution or other proceedings based on an alleged contravention of these Regulations. *Regulation 30* provides a defence of having taken all reasonable precautions and exercised all due diligence in certain proceedings arising out of *Regulation 12*.