1995 No. 379

HEALTH AND SAFETY

Mines Miscellaneous Health and Safety Provisions Regulations (Northern Ireland) 1995

Made . . . . . *5th October 1995*

Coming into operation . . *31st December 1995*

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Schedule — Additional health and safety requirements.

The Department of Economic Development, being the Department concerned(**a**), in exercise of the powers conferred on it by Articles 17(1), (2), (3) and (4) and 55(2) of, and paragaphs 1(1) and (2), 7, 8, 10, 11, 13, 15, 17(*a*) and 20(*b*) of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**b**) 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:

(**a**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**b**) S.I. 1978/1039 (N.I. 9)

Citation and commencement

1. These Regulations may be cited as the Mines Miscellaneous Health and Safety Provisions Regulations (Northern Ireland) 1995 and shall come into operation on 31st December 1995.

Interpretation

2. In these Regulations—

"the 1969 Act" means the Mines Act (Northern Ireland) 1969(**a**);

"approved" means approved for the time being in writing by the Department;

"the Department" means the Department of Economic Development;

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

"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" in relation to a mine means the person who is appointed under section 2 of the 1969 Act;

"mine" means a mine within the meaning of the 1969 Act;

"owner" means an owner within the meaning of section 157 of the 1969 Act;

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

Application

3.—(1) 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.

Health and safety document

4.—(1) The owner of every mine shall ensure that work shall not 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 Management of Health and Safety at Work Regulations (Northern Ireland) 1992(**b**);

(*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

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(a) 1969 c. 6 (N.I.)
(b) S.R. 1992 No. 459 as amended by S.R. 1994 No. 478

(*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 the Schedule; and

(*b*) every owner of a mine shall ensure that the additional health and safety requirements set out in Part II of the Schedule,

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 requirements referred to in paragraph (1) shall apply without prejudice to the requirements of the relevant statutory provisions relating to the mine.