1975 No. 37

MINES

Miscellaneous Mines (Ingress and Egress) Regulations (Northern Ireland) 1975

Made . . . . . *26th February* 1975

Coming into operation . . . *1st October* 1975

WHEREAS in pursuance of Part I of Schedule 2 to the Mines Act (Northern Ireland) 1969(a) the Department of Commerce has published notice of its intention to make the following regulations and has not received any objection to the draft thereof in respect to which it is required to refer the draft regulations for inquiry and report:

NOW, THEREFORE, the Department of Commerce, in exercise of the powers conferred on it by section 26 of the Mines Act (Northern Ireland) 1969 and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Miscellaneous Mines (Ingress and Egress) Regulations (Northern Ireland) 1975 and shall come into operation on 1st October 1975.

Interpretation

2. In these regulations—

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

"the Department" means the Department of Commerce;

"mine" has the meaning assigned thereto in regulation 3.

Application

3. These regulations shall apply to every mine other than a mine of coal, stratified ironstone, shale or fireclay and in these regulations "mine" means such a mine.

Alternative means of ingress and egress

4.—(1) Subject to the provisions of this regulation, it shall not be lawful for any persons to be employed below ground in a mine unless there are available, for affording to them alternative, and ready, means of ingress and egress, two shafts or outlets (whether belonging exclusively to that mine or not) which are at no point separated from each other by less than 14 metres.

(2) Where the employment of persons in an area consisting of the whole or any part of a mine below ground would, apart from the following provisions of this paragraph be, by virtue of paragraph (1), unlawful in consequence of a shaft or outlet having, as a result of an accident or breakdown, become unavailable for affording to persons employed in that area ready means of ingress and egress, but the manager of the mine is satisfied

(a) 1969 c. 6 (N.I.)

with respect to that area or any part thereof that persons employed in that area or, as the case may be, that part thereof will not for the time being be exposed to undue risk by reason of that shaft or outlet being unavailable as aforesaid, then if he—

(*a*) posts in a conspicuous position at the mine a notice specifying the accident or breakdown and the said area and stating that he is satisfied as aforesaid with respect to that area or, as the case may be, that part thereof and the reason why he is so satisfied; and

(*b*) sends, by the quickest means available, to the Department and the person, if any, for the time being nominated under the provisions of the Act relating to the notification of accidents to receive on behalf of the persons employed at the mine notices under the said provisions, a message to the like effect as the notice mentioned in sub-paragraph (*a*);

there shall be excepted from the operation of paragraph (1)—

(i) the employment in that area or, as the case may be, that part thereof, until the end of his period of work, of any person who was below ground in the mine at the time of the accident or breakdown;

(ii) the employment in that area or, as the case may be, that part thereof, until the expiration of the period of twenty-four hours beginning with the time at which the accident or breakdown occurred, of any person in work necessary for securing the safety of the mine or rendering that shaft or outlet again available for the purpose for which it was available immediately before the accident or breakdown;

but nothing in sub-paragraph (i) or (ii) shall authorise the employment of any person at any time after the receipt by the manager of the mine of notification from the Department that, in the Department's opinion, that person should be withdrawn from the area or part of the area in question.

(3) The Department, upon an application in that behalf made to the Department with respect to a mine, may, by notice served on the manager of the mine, exempt from the operation of paragraph (1) the employment of persons below ground in the mine or in such part of the mine below ground as may be specified in the notice; but no exemption shall be granted under this paragraph unless an inspector reports to the Department that he is satisfied that no persons employed in the mine will be exposed to undue risk in consequence of the granting of the exemption.

(4) In any claim against the owner or manager of a mine for damages, being a claim arising out of an accident caused by a decision of the manager made for the purposes of paragraph (2), the defendant shall, unless he proves that the manager was not negligent in making that decision, be liable in all respects as if the plaintiff had proved that the manager was negligent in making that decision.

(5) For the purposes of this regulation a shaft or unwalkable outlet at a mine provided with apparatus for carrying persons through the shaft or outlet shall be deemed not to be available to a person employed below ground in the mine for affording to him means of ingress and egress if that apparatus is not available for use by him.

(6) Nothing in this regulation shall apply to the employment of persons in a shaft or outlet or in the insets of a shaft or outlet.