1970. No. 139 [C]

COAL AND OTHER MINES

Mechanics and Electricians

REGULATIONS, DATED 1ST JUNE 1970, MADE BY THE MINISTRY OF COMMERCE UNDER SECTIONS 13(2) AND 120 OF THE MINES ACT (NORTHERN IRELAND) 1969.

WHEREAS in pursuance of Part I of Schedule 2 to the Mines Act (Northern Ireland) 1969(a) the Ministry 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 Ministry of Commerce in exercise of the powers conferred on it by sections 13(2) and 120 of the Mines Act (Northern Ireland) 1969 and of all other powers enabling it in that behalf, hereby makes the following regulations:—

PART I

GENERAL

Citation

1. These regulations may be cited as the Coal and Other Mines (Mechanics and Electricians) Regulations (Northern Ireland) 1970.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

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

"deputy" has the meaning assigned thereto in the Coal and Other Mines (Managers and Officials) Regulations (Northern Ireland) 1970(b);

"electrical apparatus" includes electric cables and any part of any machinery, apparatus or appliance, being a part designed for the generation, conversion, storage, transmission or utilisation of electricity, but excludes any electric cable, machinery, apparatus or appliance or part thereof which is not used and is not intended to be used as, and does not form and is not intended to form, part of the equipment of a mine;

"electrical engineering staff" has the meaning assigned thereto in regulation 5;

"flexible cable" means an electric cable which is designed to be movable while in use;

"incendive sparking" means, in relation to any electrical apparatus, sparking in such circumstances that inflammable gas present in the air outside the apparatus might be ignited directly or indirectly;

(a) 1969. c. 6 (N.I.). (b) S.R. & O. (N.I.) 1970, No. 128.

"mechanical apparatus" includes any machinery, apparatus or appliance used in connection with the generation, conversion, storage, transmission or utilisation of mechanical energy and ropes, chains, permanent haulage track and rolling stock, but excludes any machinery, apparatus or appliance or part thereof which for the purposes of these regulations is electrical apparatus and anything which is not used and is not intended to be used as, and does not form and is not intended to form, part of the equipment of a mine;

"mechanical energy" means energy derived from steam, water or other fluid, wind, compressed air or gas, electricity, combustion of fuel or any other source;

"mechanical engineering staff" has the meaning assigned thereto in regulation 4;

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

"the Ministry" means the Ministry of Commerce;

"person having supervisory duties" means, in the case of mechanical engineering staff, the mechanical engineer or the mechanic in charge, or a supervisory mechanic and, in the case of electrical engineering staff, the electrical engineer or the electrician in charge, or a supervisory electrician;

"portable apparatus" includes electrical apparatus that is designed to be moved while working;

"prime mover" means an engine or motor which provides mechanical energy;

"supervisory mechanic" has the meaning assigned thereto in regulation 4;

"supervisory electrician" has the meaning assigned thereto in regulation 5.

(2) For the purposes of ascertaining the number of prime movers or electric motors at any mine and of any provision of these regulations requiring systematic examination and testing of any mechanical or electrical apparatus, no account shall be taken of any mechanical or electrical apparatus which is surplus to ordinary requirements and which has not been issued for use or installed as a standby or which, if so issued, has been withdrawn from use for repair or otherwise and has not been re-issued.

(3) Expressions to which meanings are assigned by the Act or by these regulations shall (unless the contrary intention appears) have the same meanings in any document issued under the provisions of these regulations.

Application

3. Except where the application thereof is further expressly limited, these regulations shall apply to every mine of coal, stratified ironstone, shale or fireclay, and in these regulations "mine" means (except where further expressly limited) such a mine.

PART II

APPOINTMENT OF MECHANICAL ENGINEERING STAFF AND ELECTRICAL ENGINEERING STAFF

Mechanical engineering staff

4.—(1) For every mine there shall be appointed by the manager a competent person to be the mechanical engineer or the mechanic in charge; as many competent persons as may be required to supervise the proper installa-

tion, examination, testing and maintenance of all mechanical apparatus at the mine in accordance with the following provisions (in these regulations referred to as "supervisory mechanics"); and as many competent persons to be craftsmen mechanics as may be required to effect such proper installation, examination, testing and maintenance as aforesaid. In relation to a mine, the mechanical engineer or mechanic in charge, the supervisory mechanics and the craftsmen mechanics are hereinafter referred to as "the mechanical engineering staff".

(2) In the case of any mine at which the total number of prime movers exceeds seventy-five the manager shall ensure that, at any time when the mechanical engineer or mechanic in charge is not on duty, a supervisory mechanic is in charge at the mine whenever any prime mover is being used in the mine for any purpose specified in an instruction in writing given by the manager to the mechanical engineer or mechanic in charge and for the time being in force.

Electrical engineering staff

5.—(1) For every mine at which electricity is used there shall be appointed by the manager a competent person to be the electrical engineer or the electrician in charge; as many competent persons as may be required to supervise the proper installation, examination, testing and maintenance of all electrical apparatus at the mine in accordance with the following provisions (in these regulations referred to as "supervisory electricians"); and as many competent persons to be craftsmen electricians as may be required to effect such proper installation, examination, testing and maintenance as aforesaid. In relation to a mine, the electrical engineer or electrician in charge, the supervisory electricians and the craftsmen electricians are hereinafter referred to as "the electrical engineering staff".

(2) In the case of any mine at which the total number of electric motors exceeds seventy-five the manager shall ensure that at any time when the electrical engineer or electrician in charge is not on duty a supervisory electrician is in charge at the mine whenever any electric motor is being used in the mine for any purpose specified in an instruction in writing given by the manager to the electrical engineer or electrician in charge and for the time being in force.

Supplementary provisions as to supervisory mechanics and electricians

6.—(1) A copy of any instruction given in pursuance of paragraph (2) of either of the two last preceding regulations and for the time being in force shall be kept at the office at the mine or at such other place as may be approved by the Ministry and if the Ministry at any time so requests the manager shall send to it a copy of any such instruction.

(2) If in a case to which paragraph (2) of either of the two last preceding regulations applies an inspector reports to the Ministry that he is of opinion that at any time when the mechanical engineer or mechanic in charge is not on duty a supervisory mechanic, or at any time when the electrical engineer or electrician in charge is not on duty a supervisory electrician, as the case may be, ought to be in charge at the mine whenever a prime mover or electric motor is being used in the mine for a purpose not specified under that paragraph, the Ministry may serve on the manager a notice requiring him to give an instruction accordingly.

(3) The provisions of Part XIII of the Act with respect to references upon notices served by the Ministry shall apply to a notice served under the last preceding paragraph, and the relevant ground of objection to such a notice shall be that it is not necessary for a supervisory mechanic or a supervisory electrician, as the case may be, to be in charge at the mine whenever a prime mover or electric motor is being used in the mine for the purpose specified in the notice in order to secure the proper supervision of mechanical or electrical apparatus thereat.

7. Nothing in regulation 4 or 5 shall prevent a competent person being a member both of the mechanical engineering staff and of the electrical engineering staff, or prevent a person having supervisory duties from himself affecting any work of installation, examination, testing or maintenance of mechanical or electrical apparatus, as the case may be, without supervision by another.

PART III

DUTIES OF MECHANICAL ENGINEERING STAFF, ELECTRICAL ENGINEERING STAFF AND OTHER PERSONS CONCERNED WITH MECHANICAL OR ELECTRICAL APPARATUS

8. It shall be the duty of the mechanical engineer or mechanic in charge in respect of mechanical apparatus, and of the electrical engineer or electrician in charge in respect of electrical apparatus, to ensure that the mechanical engineering staff or the electrical engineering staff, as the case may be, supervise or effect—

(*a*) the installation of all such apparatus at the mine;

(*b*) the examination and testing of all such apparatus before it is put into use after installation, re-installation or repair;

(*c*) the maintenance in safe working condition and in accordance with all requirements imposed by or under the Act of all such apparatus at the mine; and

(*d*) the systematic examination and testing of all such apparatus at the mine in accordance with the scheme therefor for the time being in operation.

Schemes of maintenance

9.—(1) It shall be the duty of the manager of every mine to ensure that there shall be at all times in force a scheme in respect of all mechanical apparatus at the mine other than simple mechanical supports, and, if electricity is used thereat, a scheme in respect of all electrical apparatus thereat, being a scheme providing for the systematic examination and testing of all mechanical apparatus or electrical apparatus, as the case may be, at the mine to ensure proper maintenance thereof.

(2) Any such scheme shall specify the intervals (which may be different for different apparatus and parts of apparatus) within which all mechanical or electrical apparatus, as the case may be, must be examined and tested and the nature of the examination and testing to be carried out on each occasion, and the manner in which the results of every examination and test made pursuant to such a scheme are to be recorded.

(3) The scheme for each mine or copies thereof shall be kept at the office at the mine or at such other place as may be approved by the Ministry.

(4) If an inspector reports to the Ministry that he is of opinion that amendment of a scheme is necessary to ensure the proper maintenance of any mechanical or electrical apparatus at the mine or to secure the keeping of proper records thereof, the Ministry may serve on the manager a notice requiring him to remedy the defect.

(5) The provisions of Part XIII of the Act with respect to references upon notices served by the Ministry shall apply to a notice served under the last preceding paragraph and the relevant ground of objection to such a notice shall be that the scheme already ensures the proper maintenance of all mechanical or electrical apparatus at that mine, or the keeping of proper records thereof, as the case may be.

(6) Every record of any test or examination made pursuant to any such scheme, or a copy of such record, shall, until the expiration of three years after such test or examination, be kept at the office at the mine or at such other place as may be approved by the Ministry and be open to inspection by, or by a person authorised in that behalf in writing by, any person employed at the mine.

(7) In this regulation "simple mechanical supports" means hydraulic props or friction props for the support of the roof or side of any place in the mine not being supports which are advanced and set to the roof by mechanical energy, and "prop" includes chock.

10.—(1) Persons, other than the mechanical engineering staff and the electrical engineering staff, may be instructed in writing by the manager of the mine to carry out such duties relating to—

(*a*) the installation, examination, testing or maintenance of mechanical or electrical apparatus; or

(*b*) the operation of any machinery or electrical apparatus;

as may be specified in the instruction being duties for which they are competent.

(2) No person shall be instructed under paragraph (1)(*a*) of this regulation to carry out any duty for which technical knowledge and experience are necessary to avoid danger except under such degree of supervision by one of the mechanical engineering staff or electrical engineering staff, being a person having supervisory duties, as may be appropriate having regard to the nature of the work and the knowledge and experience of the person concerned.

(3) No person shall commence or do any work upon any conductor, or in proximity to an exposed conductor, being in either case a conductor in a circuit in which the voltage exceeds twenty-five, unless one of the electrical engineering staff has ensured that the conductor has been made dead and has taken any necessary steps by earthing or otherwise to ensure that it will remain dead whilst the work in question is being carried out:

Provided that the provisions of this paragraph shall not apply to—

(*a*) the cleaning of a commutator or slip-rings, if the electrical engineer or electrician in charge has taken any necessary steps to ensure that the voltage between no two brushes of the apparatus being cleaned will exceed six hundred and fifty whilst the cleaning is in progress;

(*b*) work on, or in proximity to, telephone and signalling apparatus or a conductor in or connected to apparatus which is such that, by reason of the inherent nature of the apparatus, it is impracticable for the conductor to be made dead whilst the work in question is being carried out;