1970. No. 128 **[C]**

COAL AND OTHER MINES

Managers and Officials

REGULATIONS, DATED 1ST JUNE 1970, MADE BY THE MINISTRY OF COMMERCE UNDER SECTIONS 12, 13 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 12, 13 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 (Managers and Officials) Regulations (Northern Ireland) 1970.

Application

2. These regulations shall apply to every mine of coal, stratified ironstone, shale or fireclay, and in these regulations, unless otherwise expressly provided, "mine" means such a mine.

Interpretation

3.—(1) In these regulations, 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" means a person appointed as such for the purposes of regulation 13;

"deputy's district" has the meaning assigned thereto in regulation 14;

"meeting station" has the meaning assigned thereto in regulation 17;

"mine" has the meaning assigned thereto in regulation 2;

"the Ministry" means the Ministry of Commerce;

"pre-shift inspection" has the meaning assigned thereto in regulation 16.

(2) Without prejudice to section 151 of the Act, for the purposes of these regulations anything for the time being approved under the corresponding provision of the Mines and Quarries Act 1954(b) or regulations made thereunder shall be deemed to be approved by the Ministry, unless the Ministry, by notice published in the *Belfast Gazette* and otherwise brought to the notice of persons concerned in such manner as the Ministry thinks fit, directs that it shall not be so deemed.

(a) 1969. c. 6 (N.I.). (b) 2 & 3 El. 2. c. 70.

(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.

Exemptions

4. The Ministry may by notice served on the manager of a mine exempt the mine, or any part thereof, or anything or class of things thereat, from the application of any provision of these regulations if an inspector is satisfied that that provision is inappropriate in relation to that mine, that part thereof, or that thing or class of things thereat or is not requisite for the safety of persons employed at the mine.

PART II

MISCELLANEOUS DUTIES OF MANAGERS AND UNDER-MANAGERS

5. The manager of every mine and any under-manager thereof to the extent of his jurisdiction shall take such steps as may be necessary to secure that a sufficient supply of suitable materials and appliances is at all times readily available for ensuring compliance with all requirements imposed by or under the Act and the safety of the mine and of persons employed therein.

6. The manager of every mine and any under-manager thereof to the extent of his jurisdiction shall give attention to and cause to be carefully investigated any representation or complaint made to him by or on behalf of persons employed thereat about any matter affecting the safety or health of such persons.

7. The manager of every mine shall make and ensure the efficient carrying out of arrangements whereby a correct record of the number of persons going below ground and returning above ground is made daily by a competent person appointed by him.

8. Every under-manager of a mine to the extent of his jurisdiction and, as respects any part of a mine which is not within the jurisdiction of an under-manager, the manager thereof shall make and maintain arrangements for conferring daily on matters arising in the carrying out of their duties with the deputies of the mine and other officials having charge of operations carried on below ground:

Provided that to the extent that there are officials superior to the deputies and to such other officials it shall be sufficient for the under-manager or manager, as the case may be, so to confer with those superior officials.

9. Every under-manager of a mine to the extent of his jurisdiction and, as respects any part of a mine which is not within the jurisdiction of an under-manager, the manager thereof shall from time to time examine all parts of the mine which are required to be ventilated whether or not they are frequented by workmen employed thereat.

10. It shall be the duty of every under-manager of a mine, with respect to each report, record or other item of information which, in pursuance of the Act or any regulation made thereunder, is entered in a book which by or by virtue of the Act is required to be provided for that purpose by the owner of the mine, and which relates to a part of the mine within his jurisdiction,

either to read it himself forthwith or to secure that it is read forthwith by some other competent person and that there is promptly brought to his notice any matter disclosed by the report, record or other item of information which either is of an abnormal or unusual nature as regards the mine or, not being of such a nature, is of a kind which will or may necessitate the taking of any steps by the manager or any other person.

PART III

UNDERGROUND OFFICIALS SUPERIOR TO THE DEPUTIES

11. No person shall be qualified to be appointed under subsection (1) of section 13 of the Act, or to be, an underground official superior to the deputies but inferior to the manager and, where there is an under-manager, to the under-manager unless—

(*a*) he is the holder of a first-class or second-class certificate of competency valid with respect to that mine; or

(*b*) he is the holder of a deputy's certificate granted by the Ministry on the recommendation of the Mining Qualifications Board constituted under section 148 of the Mines and Quarries Act 1954 or granted by the Ministry without reference to the said Board where the Ministry is satisfied that he is the holder of such a certificate granted under the said Act or regulations made thereunder or any enactment or regulations made thereunder repealed by that Act, which certificate shall, unless the Ministry by notice served on the manager of the mine consents to that person being such an official at that mine, be a certificate valid with respect to that mine, and has had not less than one year's experience as a deputy; or

(*c*) he is holding such office at the time of coming into operation of this regulation.

12.—(1) Every underground official superior to the deputies but inferior to the manager and, where there is an under-manager, to the under-manager shall to the extent of his jurisdiction have the duty of securing compliance with all requirements imposed by or under the Act and the safe performance of all operations

(2) Every such official shall—

(*a*) during each shift of his confer with the deputy assigned to each district and with each other official then performing duties in or responsible for any part of the mine, being a district or part to which his jurisdiction extends;

(*b*) at the end of each shift of his give to any person succeeding to any of his duties all information he has obtained which is relevant to safety; and

(*c*) within twenty-four hours of the end of each shift of his examine and counter-sign any report made by such a deputy in relation to that shift by virtue of regulation 30 of these regulations.

PART IV

DEPUTIES

General duties of deputies

13.—(1) In every mine competent persons appointed by the manager as deputies shall each during his shift in the district assigned to him—

(*a*) have the immediate charge of the workmen for the time being in that district and of all operations carried on by them therein; and

(*b*) make such inspections and carry out such other duties with regard to the presence of gas, ventilation, support of roof and sides and general safety (including the health of persons working in that district) as are required by the Act or by regulations (including these regulations).

(2) Subject to the provisions of the next following paragraph, every deputy to whom a district is assigned shall devote his whole time during his shift to the duties specified in the last preceding paragraph.

(3) Paragraph (2) of this regulation shall not prevent any deputy being employed in firing shots or apply in relation to the deputy in any district—

(*a*) being a district exempted therefrom by a notice served on the manager by the Ministry on the ground of the special circumstances of that district; or

(*b*) in a mine at which not more than thirty persons are employed below ground, if the number of persons at work in that district during the shift concerned does not exceed ten; or

(*c*) in any mine if the number of persons at work in that district during the shift concerned does not exceed five:

Provided that no duty shall be assigned to the deputy by virtue of this paragraph if performance of that duty would prevent the deputy carrying out the duties specified in paragraph (1) of this regulation in a thorough manner, and, if an inspector reports to the Ministry that he is of opinion that performance of such a duty would be likely to prevent the deputy so carrying out those duties the Ministry may serve a notice on the manager requiring that that duty shall not be so assigned.

(4) No deputy shall at any time perform any duty himself or allow any workman in his charge to do any work, not being a duty or work the carrying out of which is necessary for securing the safety or health of workmen employed at the mine, if so doing would prevent or delay the due carrying out of any duty or work necessary for that purpose.

Determination of deputies' districts

14.—(1) The manager of every mine shall define, by means of a plan on a scale not less than six inches to one mile kept at the office at the mine or at such other place as may be approved by the Ministry, the limits of each district in the mine to be in the charge of a deputy (hereinafter referred to as "a deputy's district") in such manner that—

(*a*) there is included within the limits of a deputy's district every place in the mine at which mineral is worked, other than a place at which mineral is worked for the purpose of repairing, restoring or enlarging a road or preparing accommodation required for the working of the mine; and

(*b*) no deputy's district is of a size which may prevent a deputy assigned thereto making the pre-shift inspections referred to in regulation 16 within a period of one-and-a-half hours if he is not interrupted in so doing.

(2) Different districts may be defined in relation to different shifts or different days of the week or both of them having regard to the nature of the work to be carried out thereon.

(3) If an inspector reports to the Ministry that he is of opinion that any deputy's district so defined is of a size which may prevent or prejudice the carrying out by a deputy assigned thereto of all his duties in a thorough manner, the Ministry may serve on the manager a notice requiring him to reduce the size of that district.

(4) 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 size of that deputy's district does not prevent or prejudice the carrying out by the deputy assigned thereto of all his duties in a thorough manner.

15. It shall be the duty of the manager to secure that a deputy is assigned to each deputy's district for each shift during which any workman is to go into that district.

Pre-shift inspections

16.—(1) Within the period of two hours immediately before the commencement of work on any shift during which workmen will enter a deputy's district, the deputy to whom that district is assigned for that shift or for the last preceding shift shall himself ascertain by inspection of every part of it which is required to be ventilated (hereinafter referred to as "pre-shift inspection") the condition of every such part as regards the presence of gas, ventilation, state of roof and sides and general safety:

Provided that during any period in which workmen are continuously in the district since the last preceding pre-shift inspection it shall be sufficient for such an inspection to be made at intervals not exceeding eight hours.

(2) Every deputy making a pre-shift inspection shall have with him a locked flame safety-lamp and a locked electric safety-lamp or a locked safety-lamp combining those two, being in every case a lamp for the time being approved by the Ministry for the purpose of deputies' inspections, and he shall not use any other lamp during his inspection. This paragraph shall not apply in mines of stratified ironstone other than mines in any part of which the use of lamps or lights, other than permitted lights, is unlawful.

(3) A deputy may be accompanied during any pre-shift inspection by one competent workman as an assistant. Such a workman shall not use during that inspection any lamp other than a locked safety-lamp of a type for the time being approved by the Ministry for general use by workmen.

(4) For the purposes of this regulation as regards any deputy's district a reference to a deputy assigned thereto for the last preceding shift shall include a deputy assigned to a deputy's district which comprised that district and the deputies assigned to deputies' districts which or parts of which together comprised that district.

(5) Notwithstanding anything contained in regulation 13(1)(*b*) or in the preceding paragraphs of this regulation, the manager of a mine may appoint one or more competent persons, each of whom is qualified under regulation 31 to be a deputy, and, unless the Ministry by notice served on the manager of the mine consents to that person's making pre-shift inspections pursuant to this paragraph, such qualification is valid with respect to that mine, to make pre-shift inspections and where a pre-shift inspection of a deputy's district is required to be made pursuant to paragraph (1) of this regulation and is made in respect of a shift by such a person in accordance with this paragraph the deputy whose duty it would otherwise be to make a pre-shift inspection in respect of that shift shall not be required himself to make such an inspection.

(6) Paragraphs (2) and (3) of this regulation shall apply to a person appointed under the last preceding paragraph as if he were a deputy.