1970. No. 125 **[C]**

COAL AND OTHER MINES

Ventilation

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 (Ventilation) 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;

"auxiliary fan" means a fan used or intended to be used below ground wholly or mainly for ventilating a heading, drift or blind end;

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

"detector" has the meaning assigned thereto in regulation 14;

"electric power" does not include electricity used in a portable safety-lamp or detector, shot-firing apparatus, a scientific instrument, signalling apparatus or a telephone;

"firedamp content" has the meaning assigned thereto in regulation 6;

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

"main intake airway" means a length of intake airway which begins at a shaft or outlet or a length of airway the current of air in which is subsequently split and which as regards two or more working faces is an intake airway;

"main return airway" means a length of return airway which ends at a shaft or outlet or a length of airway the current of air in which has been split and which as regards two or more working faces is a return airway;

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

"the Ministry" means the Ministry of Commerce;

"working face" does not include a place in a road or roadhead at which ripping or work of repair is in progress.

(2) Where a determination of the firedamp content made for the purposes of any of these regulations is made by means of a sample of air it shall be deemed to be made at the time and place at which the sample is taken.

(3) 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(c) 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.

(4) 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. If an inspector is satisfied that the application of any provision in Part II, V or VI of these regulations (other than a provision in relation to which an express power of exemption is contained in these regulations) is inappropriate in relation to any mine or part thereof, the Ministry may by notice served on the manager of that mine exempt it or a part thereof from the application of that provision.

PART II

PROVISIONS RELATING TO FIREDAMP CONTENT

Inflammable gas in intake airways

5.—(1) Without prejudice to the generality of section 55 of the Act the manager of every mine shall take such steps as are necessary for securing that every airway therein which as regards any working face is an intake airway and the air in which has not previously ventilated a working face shall normally be kept free from inflammable gas:

Provided that the requirements of this regulation shall not apply to any part of such an airway within three hundred feet of the first working place at that working face.

(2) For the purposes of this regulation an airway shall be deemed not to be normally kept free from inflammable gas if the average percentage by volume of inflammable gas found in six samples of air taken by an inspector in the general body of the air in that airway at intervals of not less than fourteen days exceeds one quarter.

(c) 2 & 3 El. 2. c. 70.

Determinations of firedamp content

6.—(1) Where in any part of a mine in which the use of lamps or lights, other than permitted lights, is unlawful electric power is used at or within one hundred and fifty feet of a working face, the manager shall make and secure the efficient carrying out of arrangements whereby determinations of the percentage of inflammable gas present in the general body of the air (in these regulations referred to as "the firedamp content") are made in that part in accordance with the provisions of the five next following regulations.

(2) Where in any part of a mine of coal the use of lamps or lights, other than permitted lights, is unlawful and in any part of that mine which comprises a working face shots are fired in the ordinary course of working, the manager shall make and secure the efficient carrying out of arrangements whereby determinations of the firedamp content are made in accordance with the provisions of the four next following regulations in the part of the mine in which shots are so fired.

7.—(1) Determinations of the firedamp content shall be made—

(*a*) by means of apparatus of a type approved for the purpose by the Ministry, by a competent person appointed for that purpose by the manager of the mine; or

(*b*) by means of samples of air taken by a competent person so appointed and analysed within four days of the taking thereof.

(2) In reckoning a period of four days for the purposes of this regulation no account shall be taken of any Saturday, Sunday or day of general holiday.

8.—(1) Where determinations of the firedamp content in any part of a mine which comprises a longwall face are required to be made by virtue of the use of electric power at or within one hundred and fifty feet of that face or the firing of shots in that part of the mine, those determinations shall be made at or as near as is practicable to the point in each airway serving that face thirty feet from the nearest working place at that face. If the air ventilating that longwall face has ventilated or will ventilate another longwall face determinations shall also be made at such a point in each airway serving each such other face.

(2) The Ministry may serve on the manager of the mine a notice requiring determinations to be made also at one or more additional points at any such longwall face or in any airway serving such a longwall face being points specified in the notice.

9.—(1) Where determinations of the firedamp content in any part of a mine which comprises a working face other than a longwall face are required to be made by virtue of the use of electric power at or within one hundred and fifty feet of that face or the firing of shots in that part of the mine, those determinations shall be made at suitable points fixed by the manager in respect of each air current in that part of the mine.

(2) The Ministry may, if an inspector is of opinion that any point so fixed is unsuitable, serve on the manager a notice requiring him to fix some other point in substitution therefor and may serve on the manager a notice requiring determinations to be made at some other point specified in the notice in addition to those required by the preceding paragraph.

10.—(1) Determinations of the firedamp content shall be made at every point required by or under the two last preceding regulations once in every week:

Provided that—

(*a*) if any determination at any such point shows a firedamp content exceeding 0.8 per cent by volume determinations shall be made at the corresponding point at intervals not exceeding twenty-four hours so long as the content is shown to exceed or to have exceeded that percentage and for the seven next following working days, unless the Ministry by notice served on the manager otherwise consents;

(*b*) if every determination made during a period of thirty days at any such point showed a firedamp content not exceeding 0.6 per cent by volume it shall be sufficient to make determinations at the corresponding point at intervals not exceeding thirty days for so long as the firedamp content shown thereby does not exceed that percentage.

(2) Notwithstanding anything in the last preceding paragraph whenever any alteration is made in the arrangements for ventilating a mine which affects or may affect substantially any part of the mine in which determinations of the firedamp content have to be made, a determination of the firedamp content at each point in that part shall be made as soon as any substantial effect of the alteration would be apparent.

(3) Any determination of the firedamp content shall be made, if the relevant face is machine-cut, during the latter part of the cutting shift or, if the face is not machine-cut, during the latter part of the filling shift:

Provided that if it appears to the manager or an inspector, as the case may be, that the firedamp content is normally greatest at any point at any other stage of the operations, determinations at that point may be made at that stage if the Ministry by notice served on the manager consents thereto and shall be made at that stage if the Ministry by such notice so requires.

(4) The provisions of Part XIII of the Act with respect to references upon notices served by the Ministry shall apply to a notice of requirement under the last preceding paragraph and either of the following shall be a relevant ground of objection to such a notice, namely—

(*a*) that the firedamp content at the point in question is not normally greatest at the stage referred to in the notice;

(*b*) that the greater firedamp content at that stage at that point is transitory.

(5) Where determinations of firedamp content are made once in every week or thirty days they shall as far as practicable be made on the last occasion during the week when the appropriate stage of the operations referred to in paragraph (3) occurs, not being an occasion during a shift beginning on a Saturday.

11. On every occasion on which a determination of firedamp content is required to be made at or as near as is practicable to the point in an airway serving a longwall face thirty feet from the nearest working place at that face, being an airway which as regards that face is a return airway, a determination of firedamp content shall also be made as near as is practicable to the point in that airway thirty feet from the junction thereof with any other return airway.

12.—(1) Particulars of every determination of firedamp content made in accordance with these regulations shall be recorded forthwith in a book provided for that purpose by the owner of the mine.

(2) If any determination other than one made pursuant to regulation 11 shows a firedamp content at any point exceeding one per cent by volume the manager of the mine shall forthwith give notice thereof to the Ministry unless—

(*a*) the excess was caused by temporary derangement of the ventilation at the mine which has been remedied; or

(*b*) the Ministry by notice served on the manager has otherwise directed.

Measurements of quantity of air

13.—(1) The manager of every mine shall make and secure the efficient carrying out of arrangements whereby the quantity of air passing each of the points hereinafter mentioned is measured at intervals not exceeding thirty days.

(2) The points at which such measurements are to be taken are—

(*a*) in every intake airway starting at an entrance to a shaft or outlet, a point as near as is practicable to that entrance;

(*b*) in every split by which air leaves an air current except a split at a longwall face, a point as near as is practicable to the junction;

(*c*) in any part of the mine in which determinations of firedamp content are required to be made, the points at which those determinations are made excluding any point at which determinations are made because it has been specified in a notice served on the manager by the Ministry; and

(*d*) in any part of the mine containing a working face, being a part in which determinations of firedamp content are not required to be made under these regulations, a point in each road, which as regards a working face is an intake airway and the air in which has not previously ventilated a working face, as nearly as practicable four hundred and fifty feet from the nearest part of the said working face with respect to which that road is an intake airway, unless that point would be within three hundred feet of a point at which measurements are taken under sub-paragraph (*a*) or (*b*).

(3) A measurement of the quantity of air at a point specified in sub-paragraph (*c*) of the last preceding paragraph shall be taken on an occasion when a determination of firedamp content is made thereat.

(4) Notwithstanding anything in paragraph (1) of this regulation, whenever any alteration is made in the arrangements for ventilating a mine which affects or may affect substantially the quantity of air passing any point at which measurements thereof have to be taken, a measurement of the quantity at each such point shall be taken as soon as any substantial effect of the alteration would be apparent.

(5) Particulars of every measurement taken in accordance with this regulation shall be recorded forthwith in a book provided for the purpose by the owner of the mine together with any other information incidental thereto for which provision is made in that book.

PART III

FIREDAMP DETECTORS

14.—(1) At every mine in any part of which the use of lamps or lights, other than permitted lights, is unlawful, there shall be provided appliances for detecting the presence of inflammable gas being appliances of a type