1970. No. 106 **[C]**

MISCELLANEOUS MINES

Explosives

ORDER, DATED 15TH MAY 1970, MADE BY THE MINISTRY OF COMMERCE UNDER SECTION 164 OF THE MINES ACT (NORTHERN IRELAND) 1969.

Whereas by subsection (1) of section 164 of the Mines Act (Northern Ireland) 1969(a) (hereinafter referred to as "the Act") the Ministry of Commerce (hereinafter referred to as "the Ministry") is empowered to re-enact amongst other things (to the extent to which they could by virtue of the Act be enacted in regulations made under section 120 thereof) provisions of any regulation having effect by virtue of section 86 of the Coal Mines Act 1911(b), subject to such modifications (if any) as appear to the Ministry to be consequential on the passing of the Act or requisite for the purpose either of bringing those provisions into conformity with the Act or of expressly limiting their operation to mines of the class to which their operation is limited immediately before the commencement of the Act:

And Whereas by subsection (2) of that section it is provided amongst other things that an order under subsection (1) shall set out in a schedule to the order the provisions thereby re-enacted and may direct that those provisions shall have effect as if they were regulations made under section 120 of the Act:

Now, therefore, the Ministry in pursuance of the powers conferred upon it by section 164 of the Act hereby makes the following order:—

1.—(1) The provisions set out in the schedule hereto, being provisions of the Metalliferous Mines (Explosives) Regulations (Northern Ireland) 1967(c) subject to such modifications as aforesaid, are hereby re-enacted and shall have effect as if they were regulations made under section 120 of the Act coming into operation at the commencement of the Act.

(2) The provisions set out in the schedule hereto may be cited as the Miscellaneous Mines (Explosives) Regulations (Northern Ireland) 1970.

2. Any exemption, approval or notice given for the purpose of a provision of the Metalliferous Mines (Explosives) Regulations (Northern Ireland) 1967, shall, if in force at the commencement of the Act and so far as it could have been given for the purposes of the Miscellaneous Mines (Explosives) Regulations (Northern Ireland) 1970 (whether by that instrument or an instrument to the like effect), have effect as if it had been so given.

3. This order shall come into operation at the commencement of the Act and may be cited as the Miscellaneous Mines (Explosives Regulations) Order (Northern Ireland) 1970.

Sealed with the Official Seal of the Ministry of Commerce for Northern Ireland this 15th day of May 1970 in the presence of

(L.S.) *W. McC. Taylor,*
Assistant Secretary.

(a) 1969. c. 6 (N.I.). (b) 1 & 2 Geo. 5. c 50. (c) S.R. & O. (N.I.) 1967, No. 318.

SCHEDULE

The Miscellaneous Mines (Explosives) Regulations (Northern Ireland) 1970 having effect as if made under section 120 of the Mines Act (Northern Ireland) 1969

PART I

GENERAL

Application

1. 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.

Interpretation

2.—(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;

"detonating fuse" means fuse consisting of high explosive enclosed in a waterproof covering made of textile impregnated or coated with a plastic composition;

"detonator" includes a fuse capped with a detonator;

"explosive" does not include a detonator;

"explosives store" has the meaning assigned thereto in paragraph (1) of regulation 5;

"mine" has the meaning assigned thereto in regulation 1;

"safety fuse" means fuse consisting of gunpowder or any other substance which burns at a regular rate, enclosed in a suitable covering and of such a quality that the rate of burning does not vary more than ten seconds above or below the rate of ninety seconds for each three feet of fuse;

"scheme of transit" has the meaning assigned thereto in paragraph (1) of regulation 11;

"shot firer" has the meaning assigned thereto in paragraph (1) of regulation 4.

(2) In these regulations any references to the use of explosive includes charging of a shot hole therewith.

Exemptions

3. The Ministry may by notice served on the manager of a mine exempt the mine or any part thereof, or any thing or class of things thereat, from the application of any provision of these regulations if an inspector is satisfied that the safety of persons employed at the mine will not be prejudiced in consequence of the granting of the exemption.

PART II

APPOINTMENT AND QUALIFICATION OF SHOT FIRERS

4.—(1) No person shall fire a shot in any mine other than a competent person appointed to fire shots in that mine by the manager thereof (any person so appointed being, in these regulations, referred to as a "shot firer").

(2) No person shall be qualified to be appointed or to be a shot firer unless he has attained the age of twenty-one years.

PART III

STORAGE, ISSUE AND CONVEYANCE OF EXPLOSIVES AND DETONATORS

5.—(1) The manager of a mine shall not permit any explosive, detonator or fuse to be stored thereat except in a place on the surface appointed by him for the purpose (in these regulations referred to as an "explosives store").

(2) The manager of every mine in which explosives are used shall appoint at least one place, which shall be situate conveniently near the top of each shaft or outlet normally used by workmen, as a place for the deposit of explosives and detonators brought out of the mine, and may appoint a place (other than an explosives store) for the issue thereof.

(3) The manager of every mine in which explosives are used shall appoint such number of competent persons and make such arrangements as to secure that a competent person is in charge of each explosives store and place appointed for the purposes of the last preceding paragraph whenever explosives or detonators are taken into the store or place (as the case may be) or are to be issued thereat.

Control of issue of detonators

6.—(1) All detonators at an explosives store or at a place appointed in pursuance of paragraph (2) of regulation 5 shall be in the sole charge of the manager of the mine except—

(*a*) during a shift for which the manager has appointed a competent person to have charge of that store or place;

(*b*) during any other period, in any case in which there is no means of entry to that store or place otherwise than through a doorway or doorways having a door or doors which can be securely locked and the manager has made such arrangements as to secure that that door is or those doors are kept securely locked throughout that period.

(2) No person shall be in possession of any detonator at any place at a mine other than an explosives store or a place appointed in pursuance of paragraph (2) of regulation 5 except a shot firer to whom the detonator has been issued for use or a person who has attained the age of eighteen years and is authorised in writing by the manager of the mine so to be and save as aforesaid no person shall issue or take any detonator from such a store or place.

(3) Every person for the time being in charge of an explosives store or a place appointed in pursuance of paragraph (2) of regulation 5 shall, forthwith after issuing to or receiving from any person any detonators, record in a book provided for the purpose by the owner of the mine the name of that person and the quantity of detonators so issued to or received from him (as the case may be).

Conveyance and care of detonators

7.—(1) Except in pursuance of regulation 32, no person shall take any detonator below ground in a mine except in a securely locked detonator case provided by the owner of the mine.

(2) No person shall put a delay detonator into a detonator case unless a number indicating the period of delay is clearly marked on the detonator or on a lead thereof.

(3) The manager of every mine in which detonators are used shall ensure that no detonator case is issued for use in the mine unless it is so constructed and maintained that when the case is closed it is impossible for any detonator or the leads of any detonator contained in the case to touch any metal part thereof which is exposed outside the case or is in contact with any other metal part so exposed.

8.—(1) Any shot firer to whom a detonator case has been issued shall—

(*a*) ensure that, apart from any check sheet for recording shots fired by him, nothing except detonators is in it;

(*b*) ensure that at any time at which it is not on his person it is in a safe place and, unless he remains in the immediate vicinity, in a securely locked box;

(*c*) if at the end of his period of duty it contains any detonator, return it to the appropriate place on the surface appointed for the storage or deposit of explosives; and

(*d*) retain the key of the case in his own possession throughout the period during which he is on duty.

(2) No shot firer shall remove a detonator from a detonator case unless it is required immediately for charging a shot hole.

Conveyance and care of explosives

9. No person shall take any explosive below ground in any mine, unless it is in the form of a cartridge or such other form as may be permitted by the Ministry.

10.—(1) Except in pursuance of regulation 11 or 32 no person shall take any explosive below ground in any mine unless it is in a closed canister stoutly constructed and containing not more than 25 pounds of explosive.

(2) No person shall put anything other than explosives into a canister provided for the purpose of taking explosives below ground in a mine.

(3) Every person having any canister of explosives in his possession or control shall ensure that it is not deposited at any time elsewhere than in a place of safety, and in particular if at the end of his period of duty the canister contains any explosive shall return it to the appropriate place on the surface appointed for the storage or deposit of explosives, or if he received it from a reserve station established for the purpose of a scheme of transit, to that reserve station or to a person and at a place appointed by the manager for the purpose of that scheme.

(4) No person below ground shall unlock or open any canister of explosives or take any explosive from any canister unless the shot firer concerned requires to check the quantity of the explosives or the explosive is required immediately for charging a shot hole or the act in question has been authorised by an official of the mine.

Conveyance of explosives in bulk

11.—(1) Subject to the following provisions of this regulation the manager of any mine may as respects that mine or any part thereof make a scheme for the conveyance of explosives in bulk (herein referred to as a "scheme of transit") whereby explosives packed at an explosives store in securely locked canisters of any size may be conveyed in a special carriage to one or more reserve stations in that mine or part of the mine or to the working face.

(2) Every scheme of transit shall contain provisions for securing safety with respect to each of the following matters—

(*a*) the location, construction and marking of each reserve station and the custody of the keys thereof;
(*b*) the design and construction of the special carriage;
(*c*) supervision of and precautions to be taken during the transit of the carriage;
(*d*) supervision of any explosives at a reserve station;
(*e*) if explosives are to be taken in bulk to any working face, the manner of so doing;
(*f*) the maximum quantity of explosives to be at any reserve station at any time;
(*g*) the control of the issue of explosives from any reserve station;
(*h*) the return of explosives to a reserve station.

(3) Every scheme of transit shall contain provisions to ensure that—

(*a*) the quantity of explosives conveyed into the mine in pursuance thereof at any time together with any quantity so conveyed already in the mine does not exceed the quantity estimated to be required for use during the period of twenty-four hours, or the periods amounting to twenty-four hours, next following, being a period or periods throughout which the mine is being worked;
(*b*) except in pursuance of a provision of the scheme, no explosive shall while being conveyed in bulk be taken nearer to a working face (not being only a place in a road at which ripping or work of repair is in progress) than the reserve station nearest to that face.

(4) A scheme of transit may impose duties and prohibitions on persons employed at the mine and those persons shall comply therewith. It shall be the duty of the manager of the mine to secure that the provisions of any scheme of transit for that mine are executed and enforced.

(5) If an inspector is of opinion with respect to a scheme of transit that the provisions contained therein in pursuance of paragraph (2) are not adequate to secure safety, the Ministry may serve on the manager of the mine a notice specifying the nature of the provision which ought to be made and requiring the manager to amend the scheme accordingly, and any such notice shall, if it is so specified therein, become operative forthwith.

(6) 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 shall be that the provisions contained in the scheme of transit in pursuance of paragraph (2) of this regulation are adequate to secure safety.

(7) The person in charge of the explosives store at any reserve station shall ensure that—

(*a*) any explosives remaining at the reserve station at the end of his period of duty are—

(i) delivered by him to a person appointed to have charge of them during the immediately following shift;

(ii) returned to the explosives store;

(iii) securely locked in the reserve station; and

(*b*) if any such explosives are locked in the reserve station as aforesaid, the key thereof is either deposited in the explosives store or is delivered by him to the person appointed to have charge of the reserve station during the immediately following shift.

(8) The manager of every mine at which a scheme of transit is in operation shall ensure that a copy thereof is provided in the covered accommodation provided in pursuance of section 114 of the Act and that a copy thereof is supplied to each shot firer employed at the mine.

PART IV

EQUIPMENT, APPARATUS AND MATERIAL FOR FIRING SHOTS

Equipment of a shot firer

12.—(1) No shot firer shall fire a shot in any mine—

(*a*) by means of electric shot firing apparatus, cable or fuse (as the case may be) not provided for the purpose by the owner of the mine; or

(*b*) by means of electric shot firing apparatus operated otherwise than by means of a removable handle or key.

(2) No person shall take into or use at a mine any fuse other than safety fuse, detonating fuse or fuse of a type approved by the Ministry.

13. A shot firer who is in charge of any electric shot firing apparatus—

(*a*) shall retain the removable handle or key in his own possession throughout the period while he is on duty;

(*b*) shall not place the removable handle or key in position in the apparatus until he is about to fire a shot; and

(*c*) shall remove it from the apparatus immediately after firing each shot.

14. If any electric shot firing apparatus appears to be defective or fails to fire any shot or any or all of the shots in any properly connected round at one operation the shot firer in charge of it shall not use it further but shall cause it to be returned forthwith to the surface or to a place appointed for the purpose by the manager and shall report the circumstance to the manager or to a person appointed by him for the purpose.

Misuse of equipment

15. No person shall use shot firing cable for any purpose other than shot firing.