1970. No. 104 **[C]**

MISCELLANEOUS MINES

General

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any regulation having effect by virtue of section 86 of the Coal Mines Act 1911(b) and the provisions of any enactment repealed by section 163 of the Act in so far as that enactment is not re-enacted in the Act, subject to such modifications (if any) as appear to the Ministry to be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 the provisions of sections 14 and 19 of the Metalliferous Mines Regulation Act 1872(c) and the provisions of the Metalliferous Mines (Safety, Health, Welfare and Electricity) Regulations (Northern Ireland) 1969(d) relating to safety, health and welfare 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 (General) Regulations (Northern Ireland) 1970.

2. Any exemption, approval or notice given for the purpose of a provision of the Metalliferous Mines (Safety, Health, Welfare and Electricity) Regulations (Northern Ireland) 1969, 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 (General) Regulations (Northern Ireland) 1970 (whether by that instrument or an instrument to the like effect), have effect as if it had been so given.

(a) 1969. c. 6 (N.I.).
(b) 1 & 2 Geo. 5. c. 50.
(c) 35 & 36 Vict. c. 77.
(d) S.R. & O. (N.I.) 1969, No. 104.

3. This order shall come into operation at the commencement of the Act and may be cited as the Miscellaneous Mines (General 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.

SCHEDULE

The Miscellaneous Mines (General) 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 mines other than mines 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;

"air receiver" means—

(*a*) any vessel (other than a pipe or coil, or an accessory, fitting or part of a compressor) for containing compressed air and connected with an air compressor plant; and

(*b*) any fixed vessel for containing compressed air or compressed exhaust gas and used for the purpose of starting an internal combustion engine;

"banksman" has the meaning assigned thereto in regulation 17;

"cage" includes skip or gig;

"kibble" includes any form of bucket, basket or barrel in which things may be raised or lowered in a shaft or staple-pit;

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

"steam boiler" means any closed vessel, whether separate or one of a range, in which for any purpose steam is generated at pressure greater than atmospheric pressure and includes any economiser used to heat water being fed to any such vessel and any superheater used for heating steam.

(2) 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

3. Without prejudice to anything contained in these regulations 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 the safety of persons employed at the mine will not be prejudiced in consequence of the granting of the exemption, and nothing contained in these regulations shall affect the operation of this regulation.

PART II

PLANS

4.—(1) It shall be the duty of the manager of every mine in which more than twelve persons are ordinarily employed below ground to keep at the office at the mine, or at such other place as may be approved by the Ministry accurate plans of all the workings in that mine (whether abandoned or not) up to a day not more than six months past.

(2) Nothing in the preceding paragraph shall require a plan to show workings in which no operations have been carried out since the first day of January 1872.

5.—(1) In the event of the abandonment of a mine in which more than twelve persons have ordinarily been employed below ground, or of the expiration of the period of twelve months from the time at which such a mine was last worked for the purpose of getting minerals or products of minerals, it shall be the duty of the person who was the owner of the mine at the time of the happening of that event within three months thereafter to send to the Ministry accurate plans showing the boundaries of the workings at that time.

(2) The plans referred to in the last preceding paragraph shall be on a scale not less than forty inches to the mile or on the scale of the plans last kept at the mine in pursuance of regulation 4.

PART III

INSPECTIONS OF THE MINE

6. In every mine a competent person appointed for that purpose by the manager shall—

(*a*) during every ordinary mineral-getting shift, inspect every working place and every road (not being an outlet) in any part of the mine in which any person works during that shift and every road (not being an outlet) in any other part of the mine being a road along which any person has to pass during that shift;

(*b*) during every day on which mineral is gotten, inspect any walkable outlet or ladder-way which has to be used by any person during that day;

for the purpose of ascertaining the condition thereof in regard to ventilation, state of roof and sides and general safety.

7. In every mine a competent person appointed for that purpose by the manager shall at intervals not exceeding seven days inspect thoroughly the state of every shaft, staple-pit and unwalkable outlet used as a means of ingress or egress.

8.—(1) In every mine a competent person appointed for that purpose by the manager shall at intervals not exceeding three months travel the whole length of any way affording to persons employed at any place means of ingress and egress, being a way which is not ordinarily used by any person, for the purpose of ascertaining whether it is traversable with safety and reasonable convenience.

(2) In every mine a competent person appointed for that purpose by the manager shall at intervals not exceeding thirty days inspect all accessible parts of each airway of the mine.

PART IV

SHAFTS, STAPLE-PITS AND OUTLETS AND WINDING AND HAULAGE APPARATUS THEREFOR

9.—(1) Where access to any part of a mine in which persons work can be obtained only by passing through one shaft or unwalkable outlet (other than one in the course of being sunk or driven) and winding or haulage apparatus is ordinarily used in that shaft or outlet, there shall be provided a compartment therein separated throughout by a substantial partition from the part in which that winding or haulage apparatus operates and there shall be provided in that compartment ladders or other safe and reasonably convenient means of egress independent of that winding or haulage apparatus.

(2) Any ladder in a shaft or unwalkable outlet shall be securely fastened to the lining or sides thereof and any platform therein forming part of a ladderway shall be securely fenced.

Brakes etc.

10.—(1) Where mechanically operated winding apparatus or mechanically operated rope haulage apparatus is used for carrying persons through a shaft, staple-pit or unwalkable outlet, there shall be provided one or more brakes on the drum or drum shaft (or if there is more than one drum on each drum or drum shaft) being brakes which will hold the drum stationary when the maximum torque in a downward direction is applied thereto by the engine and a fully loaded cage or carriage:

Provided that the Ministry may by notice served on the manager of the mine exempt an engine from the requirements of this paragraph.

(2) Where such apparatus is so used there shall be provided a suitable indicator (not being merely a mark on the rope or drum) showing the position of each cage or carriage in the shaft, staple-pit or outlet. That indicator shall be so placed as to be seen easily by the person operating the engine.

(3) Where such apparatus is so used there shall be provided on the drum such flanges or horns and, if the drum is conical, such other devices as will prevent the rope from slipping off.

Guides

11. In every shaft and staple-pit provided with winding apparatus, being a shaft or staple-pit in the case of which the distance between the top thereof and the lowest entrance thereto exceeds one hundred and fifty feet or being a shaft or staple-pit in the course of being sunk of a depth exceeding three hundred feet, guides shall be provided for the cage or kibble:

Provided that the Ministry may by notice served on the manager exempt a shaft or staple-pit from the requirements of this regulation.

Keps

12.—(1) In every shaft provided with a cage which is used for raising or lowering persons keps for supporting the cage when at rest shall be provided at the highest landing to which the cage is raised, may be provided at the lowest entrance to the shaft but shall not be provided at any intermediate entrance thereto.

(2) Keps shall be used when persons are entering or leaving a cage at a place at which they are provided.

Cages or carriages

13. Every cage or carriage which is used for carrying persons through a shaft, staple-pit or unwalkable outlet shall be covered in completely at the top, closed in at the two sides sufficiently to prevent persons or things projecting beyond the sides, and provided with suitable gates at the ends and with a rigid hand bar which can be easily reached by all persons in it.

14.—(1) The manager of every mine shall, in relation to each shaft, staple-pit or unwalkable outlet provided with a cage or carriage used for carrying persons, determine the maximum number of persons who may be carried at one time in any cage or carriage therein and, where a cage or carriage has more than one deck, on each deck of that cage or carriage.

(2) There shall be kept posted at each entrance for the time being in use to each such shaft, staple-pit or unwalkable outlet a notice specifying every number so determined.

15. Every cage or carriage which is used for carrying vehicles through a shaft, staple pit or unwalkable outlet shall be provided with catches or other suitable contrivances to prevent them from falling out.

16.—(1) Where mechanically operated winding apparatus is ordinarily used for carrying persons through a shaft in a cage, there shall be provided appropriate gear for detaching each cage from the rope and holding it stationary in the event of over-winding when it is ascending:

Provided that the Ministry may by notice served on the manager of the mine exempt any winding apparatus thereat from the requirements of this paragraph.

(2) Where mechanically operated winding apparatus is so used and the speed of winding can exceed twelve feet per second, the Ministry by notice served on the manager of the mine may require the provision in connection therewith within such period as may be specified in the notice, and the maintenance, of an automatic contrivance to prevent overwinding.

PART V

PROVISIONS RELATING TO CARRIAGE OF PERSONS AND THINGS THROUGH SHAFTS, STAPLE-PITS AND UNWALKABLE OUTLETS

Banksmen

17.—(1) At every mine where persons are carried through a shaft the manager shall make and secure the efficient carrying out of arrangements whereby a competent person (hereinafter referred to as "the banksman") is in attendance for the purpose of transmitting and receiving signals at the landing in use at the top of the shaft—

(*a*) whenever any person is about to be carried through that shaft; and

(*b*) whenever more than fifteen persons are below ground in the mine:

Provided that the Ministry may by notice served on the manager grant an exemption in respect of any shaft from the requirements of sub-paragraph (*b*).

(2) The means provided for transmitting signals shall be such that any signal transmitted from an entrance to the shaft underground shall be transmitted simultaneously to the person operating the winding apparatus and to the banksman.

Signals

18.—(1) In relation to each shaft, staple-pit and unwalkable outlet provided with winding or haulage apparatus the manager shall determine any signals necessary for the proper operation of that apparatus, and, in particular, where there is more than one entrance underground to such a shaft, staple-pit or unwalkable outlet he shall determine the signals to be used to indicate the entrance to or from which the cage, carriage or kibble is to be raised or lowered.

(2) There shall be kept posted at each entrance for the time being in use to each such shaft, staple-pit or unwalkable outlet, and in the place at which is operated the winding or haulage apparatus provided therefor, a notice specifying the signals determined by the manager for transmission therein.