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STATUTORY INSTRUMENTS

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**1993 No. 1897**

**HEALTH AND SAFETY**

**The Management and Administration of  
Safety and Health at Mines Regulations 1993**

<i>Made</i>	- - - -	<i>28th July 1993</i>
<i>Laid before Parliament</i>		<i>6th August 1993</i>
<i>Coming into force</i>	- -	<i>1st October 1993</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 15(1), (2), (3)(a) and (b), (4)(a), (5)(b) and (6)(a) and 82(3)(a) of, and paragraphs 1(1)(a) and (c) and (2), 6, 7, 9, 12, 13(1) and (3), 14, 15(1), 16, and 18(a), of Schedule 3 to, the Health and Safety at Work etc. Act 1974<sup>(1)</sup> (“the 1974 Act”) and of all other powers enabling him in that behalf for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultation in accordance with section 50(3) of that Act, hereby makes the following Regulations:—

**PART I**

**INTERPRETATION AND GENERAL**

**Citation and commencement**

**1.** These Regulations may be cited as the Management and Administration of Safety and Health at Mines Regulations 1993 and shall come into force on 1st October 1993.

**Interpretation**

**2.—(1)** In these Regulations, unless the context otherwise requires—

“the 1954 Act” means the Mines and Quarries Act 1954<sup>(2)</sup>;

“the 1974 Act” means the Health and Safety at Work etc. Act 1974;

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(1) 1974 c. 37; sections 15(1) and 50 were amended by Schedule 15 of the Employment Protection Act 1975 (c. 71), paragraphs 6 and 16(3) respectively.  
(2) 1954 c. 70, extended by the Mines and Quarries (Tips) Act 1969 (c. 10) and the Mines Management Act 1971 (c. 20); relevant amending instruments are S.I. 1974/2013 and S.I. 1976/2063.

“appoint” in relation to a person means appoint in writing with a written statement summarising his responsibilities and authority and “appointed” and “appointment” shall be construed accordingly;

“approved” means approved for the time being in writing by the Executive and “approve” and “approval” shall be construed accordingly;

“certificate of qualification” means a certificate issued under regulation 18;

“covered accommodation” means the covered accommodation provided in pursuance of regulation 36(1);

“employer” includes the owner if he employs persons at work at the mine;

“the Executive” means the Health and Safety Executive;

“firedamp” means any flammable mixture of gases, or any flammable gas, naturally occurring in a mine;

“maintained” with respect to plant and equipment means maintained in relation to any matter which it is reasonably foreseeable will adversely affect the health and safety of any person in an efficient state, in efficient working order and in good repair;

“management structure” has the meaning attached to it by regulation 10;

“mine” means an excavation or system of excavations, including all such excavations to which a common system of ventilation is provided, made for the purpose of, or in connection with, the getting, wholly or substantially by means involving the employment of persons below ground, of minerals (whether in their natural state or in solution or suspension) or products of minerals; and

“owner” in relation to a mine means the person who is for the time being entitled to work it.

(2) In these Regulations a person shall be suitably qualified for a particular position if he holds the qualifications, attested by a valid certificate of qualification, approved for that position under regulation 17(1) or, where no such qualification has been approved, he is suitably qualified by way of education, knowledge and experience to undertake the duties of that position effectively.

(3) A mine shall be treated as being worked at any time when there are persons at work below ground or plant or equipment is in operation at the mine to maintain the safety of that mine or of any other mine or the operation of driving a shaft or outlet is being undertaken at the mine.

(4) In these Regulations, unless the context otherwise requires—

(a) a reference to a numbered regulation or Schedule is a reference to the regulation or Schedule in these Regulations so numbered; and

(b) a reference to a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which that reference appears.

### **Application of these Regulations**

3.—(1) Except where otherwise expressly provided, these Regulations shall apply to all mines.

(2) These Regulations shall apply to a self-employed person as they apply to an employer and an employee and as if that self-employed person were both an employer and an employee.

(3) In regulation 6 a reference to a mine shall include a reference to a closed tip (within the meaning of section 2(2)(b) of the Mines and Quarries (Tips) Act 1969(3)) associated with the mine, and accordingly the duties of the owner of the mine shall extend to such a tip.

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(3) 1969 c. 10, to which there are amendments not relevant to these Regulations.

### **Duties of employers of employees at work at a mine**

4.—(1) Without prejudice to regulation 6 (which imposes duties on the owner), it shall be the duty of each employer of employees at work at a mine to comply with those relevant statutory provisions which apply to the mine in so far as those provisions do not exclusively impose a duty on a person other than the employer, but this duty shall not extend to matters which are beyond the control of the employer.

(2) Where the employees of more than one employer are at work at a mine, the employers concerned shall co-operate with one another, by exchange of information or otherwise, to the extent requisite to enable each employer to comply with the requirements of the relevant statutory provisions at the mine in so far as their ability to so comply depends upon such co-operation.

(3) Every employer of employees at work at a mine shall co-operate with the manager of the mine to the extent requisite to enable the manager to comply with the requirements of the relevant statutory provisions and the employer shall comply with any directions given to him by, or on behalf of, the manager for that purpose except that this paragraph shall not apply to the owner of the mine.

(4) In performing his duty under section 2(3) of the 1974 Act (the preparation and revision of a written statement of general policy with respect to the health and safety at work of employees), every employer of persons at work at the mine (other than the owner) shall take full account of the owner's safety policy prepared in accordance with regulation 6(4), and section 2(3) of the 1974 Act shall be modified accordingly.

### **Duties of employees at work at a mine**

5.—(1) Every employee who is at work at a mine shall co-operate with the manager of the mine to the extent requisite to enable the manager to comply with the requirements of the relevant statutory provisions at the mine and shall comply with any directions given to him by, or on behalf of, the manager for that purpose.

(2) Every employee at work at the mine shall—

- (a) to the best of his ability, leave his working place at the end of his period of work in such condition as to allow work to be resumed there safely and without risks to health or, if he is unable to do so, fence off the place where this is practicable and report the matter to the person responsible in the management structure of the mine in accordance with paragraph (3);
- (b) take any necessary steps that are open to him to avoid interruption of ventilation at the mine by the accumulation of minerals, vehicles or materials;
- (c) behave in an orderly manner;
- (d) not leave his working place without taking his lamp and any self-rescuer issued to him;
- (e) not be in a state of intoxication or, without the permission of the manager, bring any intoxicating liquor to the mine;
- (f) not sleep below ground or, while in charge of any plant or equipment, on the surface;
- (g) without authority, not pass beyond any enclosure or barrier or danger signal or open any locked door; and
- (h) not brush or waft out any flammable gas.

(3) Where an employee at work at the mine discovers that a danger has arisen or is about to arise (including a danger arising from a defect in, or the condition of, any plant or equipment at the mine), he shall—

- (a) take such immediate steps as are reasonable for a person in his position to take to prevent danger that has arisen or is about to arise; and

- (b) where further action to prevent danger is required, forthwith report the matter to a person in the management structure of the mine, normally his supervisor.

## PART II

### OWNERS OF MINES

#### **General duties of the owner of the mine**

6.—(1) A mine shall not be worked unless its owner is an individual or a body corporate or its owners are partners in it.

(2) It shall be the duty of the owner of the mine—

- (a) to make such financial and other provision to secure; and
- (b) otherwise to secure, so far as is practicable,

that the mine is managed and worked in accordance with the relevant statutory provisions (which are applicable to the mine) and is so planned and laid out as to enable that purpose to be readily secured.

(3) Without prejudice to the generality of paragraphs (1) and (2), the owner may appoint persons for the purposes of securing the fulfilment in relation to the mine of his statutory responsibilities, and in such a case the owner shall forthwith send copies of those appointments to the manager of the mine concerned and to the Executive.

(4) Without prejudice to section 2(3) of the 1974 Act, it shall be the duty of every owner of a mine to prepare and, as often as may be appropriate, to revise a written statement of his general policy with respect to the health and safety at work of all persons at work at the mine and the organisation and arrangements for the time being in force for carrying out that policy, and to bring the statement and any revision of it to the notice of all persons at work at the mine.

(5) Subject to paragraph (6), the duty imposed on the owner to secure that the mine is managed, worked, planned and laid out in accordance with the relevant statutory provisions shall apply in relation to all such provisions whether or not they expressly impose duties on him or on some other person.

(6) Paragraph (5) shall not apply in relation to those provisions of the 1954 Act listed in Schedule 1 (which expressly provide that a person is to be guilty of an offence).

#### **Notification of mining operations**

7.—(1) A mine shall not be worked unless the owner thereof has notified the Executive of the information specified in Part I of Schedule 2 at least 28 days in advance of the intended commencement of the mining operation.

(2) Where an event specified in Part II of Schedule 2 occurs, the owner shall notify the Executive of the event within 28 days of its occurrence.

(3) In the case of a mine which was in existence or under construction on the date of coming into force of these Regulations, notification under section 139 of the 1954 Act, in so far as it provided the information required by Schedule 2 to these Regulations, shall be deemed to be notification under paragraph (1).

## PART III

### STRUCTURE OF HEALTH AND SAFETY MANAGEMENT, SUPERVISION AND INSPECTION OF THE MINE

#### **Appointment of the manager and substitute**

**8.—(1)** Subject to the following provisions of this regulation and regulation 15, no mine shall be worked unless there is a sole manager of the mine, being a suitably qualified and competent individual, duly appointed.

(2) Subject to regulation 10(6), the manager of a mine shall be appointed by the owner who, if he is an individual and suitably qualified and competent, may appoint himself.

(3) When temporarily the manager is not readily available or the post of manager is vacant, a suitably qualified and competent person shall be appointed by the owner as a substitute to hold the authority and perform the duties of the manager.

(4) Where duties are being performed by a substitute in accordance with paragraph (3), the mine shall be returned to the control of a manager appointed in accordance with paragraph (2) within 72 days or within such longer period as the Executive may approve of the commencement of such performance by the substitute.

(5) Where a substitute has been appointed in accordance with paragraph (3), that substitute shall, for the period that he is so appointed, be deemed to be the manager of the mine for the purposes of the relevant statutory provisions, except that the appointment of a substitute shall not relieve the manager of the powers or duties conferred or imposed by or under those provisions while he holds or held the post of manager of the mine.

#### **Authority and duties of the manager of the mine**

**9.—(1)** The manager of the mine shall have the management, command and control of the mine exercisable subject to any instructions given to him by or on behalf of the owner.

(2) The mine shall not be worked unless it is under the daily personal supervision of the manager.

(3) It shall be the duty of the manager of the mine so far as is practicable—

- (a) to manage and control the undertaking of the mine in accordance with the relevant statutory provisions;
- (b) to ensure by the exercise of supervision and inspection the safety of persons and operations at the mine;
- (c) to ensure that all persons who are appointed to perform duties under these Regulations understand the nature and scope of their duties; and
- (d) to ensure the discharge by all others (except the owner and persons acting on his behalf) of obligations imposed on them with respect to the mine by, or by virtue of, the relevant statutory provisions.

(4) In imposing duties on persons to be appointed in the management structure under regulation 10 or to carry out inspections under regulation 12, the manager shall have regard to the requirements of regulations 10(5) and 12(6)(a) respectively as they affect those persons.

#### **Management structure**

**10.—(1)** With a view to ensuring the health, safety and welfare of persons at work at the mine, it shall be the duty of the owner and manager to—

- (a) establish a management structure (which shall include the manager) that is suitable for the mine and the management structure shall be set down in writing and shall define the extent of authority and responsibility of the persons in it; and
  - (b) ensure that a sufficient number of suitably qualified and competent persons are appointed in the management structure.
- (2) Without prejudice to the generality of paragraph (1), the management structure shall be established to provide in particular–
- (a) that all persons below ground in all areas of the mine are under the command of persons in the management structure who have the duty to exercise thorough supervision of those persons at all times;
  - (b) that where more than one person with supervisory duties under sub-paragraph (a) above is on duty at the mine, there are arrangements within the management structure for a suitable chain of command from the manager to any such persons; and
  - (c) adequate assistance to the manager in the performance of his statutory duties including any duties relating to health, safety and welfare assigned to him by the owner.
- (3) It shall be the duty of the manager to–
- (a) appoint a suitably qualified and competent person to exercise supervision over persons for the time being at the mine when the manager is not present at the mine but is readily available while the mine is being worked; and
  - (b) ensure that duties and authority are properly allocated to achieve the objectives of the structure referred to in the foregoing paragraphs of this regulation so far as is practicable.
- (4) Every person appointed in accordance with paragraph (1)(b), to the extent of his responsibility and authority under the management structure and subject to any instructions given to him by a more senior person within the management structure, shall–
- (a) carry out the duties allocated to him under the management structure with all due diligence;
  - (b) so far as is practicable ensure compliance with the relevant statutory provisions; and
  - (c) so far as is practicable by the exercise of supervision ensure the safety of all persons below ground at the mine for whom he is responsible.
- (5) Every person in the management structure shall give precedence to his duties relating to health, safety and welfare over any other duties that he may have and at the end of any period of duty shall communicate with other persons to give them all information necessary for health, safety and welfare.
- (6) An individual who is, or who is employed by, a person with whom the owner has contracted to undertake other work at that mine or another mine of the owner shall not be appointed to the management structure, except that this paragraph shall not apply in relation to a person appointed solely to exercise thorough supervision under paragraph (2)(a).

### **Installation, inspection and maintenance etc. of plant and equipment**

**11.**—(1) It shall be the duty of the manager to ensure so far as is practicable that all plant and equipment are–

- (a) safely installed and commissioned; and
- (b) systematically inspected, examined, tested and maintained,

by suitably qualified and competent persons.

(2) The manager shall prepare and keep up to date a suitable written scheme for the systematic inspection, examination, testing, maintenance and, where necessary, repair of all plant and equipment.

(3) The manager shall ensure that a sufficient number of suitably qualified and competent persons are appointed—

- (a) in the management structure, to direct and manage all the activities referred to in paragraph 1(a) and (b);
- (b) to supervise all the activities referred to in paragraph (1)(a) and (b);
- (c) to undertake all the activities referred to in paragraph (1)(a) and (b); and
- (d) to be present as substitutes for the appointments in sub-paragraph (a) above when those persons are not present at the mine and the mine is being worked.

(4) The manager shall ensure, so far as is practicable, that suitable written reports are made of the inspections, examinations, tests, maintenance and repairs carried out in pursuance of paragraph (1) and that each such report records significant defects and the steps taken to remedy them and is signed by the person making it.

(5) Every person appointed to carry out duties under paragraph (3), to the extent of his responsibility and authority and, subject to any instructions given to him by a more senior person within the management structure or the scheme referred to in paragraph (2), shall carry out the duties allocated to him with all due diligence.

#### **Arrangements for inspection at the mine**

**12.—**(1) For the purpose of ensuring adequate inspection of the mine, the manager shall ensure that all parts of the mine below ground other than shafts (except shafts in the course of being sunk) are divided into suitable districts which shall be inspected by suitably qualified and competent persons with a view to ensuring that such districts are safe to enter and work in and the boundaries of those districts (except shafts in the course of being sunk) shall be shown on a suitable plan.

(2) The manager shall ensure that a sufficient number of suitably qualified and competent persons are appointed and assigned to districts to perform the inspections referred to in paragraph (1).

(3) Each district referred to in paragraph (1) shall be limited to such a size that it is capable of being adequately inspected.

(4) Different districts may be defined in relation to different shifts or different days of the week or both, having regard to the nature of the work to be carried on there for the time being.

(5) Without prejudice to the generality of paragraph (1), inspections under this regulation shall relate to the presence of firedamp, where appropriate, and to ventilation, support of roof and sides and general safety and shall be of such frequency as to ensure that the district is safe to enter and to work in insofar as this can be ensured by such inspection.

(6) Subject to regulation 10(5), a person who has duties under this regulation shall—

- (a) give precedence to those duties over any others that he may have; and
- (b) at the end of any shift, if persons are due to arrive below ground at the same district for a succeeding shift, communicate with the person undertaking inspection in that district for the succeeding shift and give all the information necessary for the safety of persons who will be employed in that district.

(7) Any person who inspects a district in pursuance of paragraph (1) shall have the duties, so far as practicable—

- (a) to assess the condition of the district with respect to the health and safety of persons;
- (b) having regard to his knowledge and experience and authority to secure remedies to dangers, to take where necessary such immediate steps as are reasonable for a person in his position to take to prevent danger that has arisen or is about to arise; and

(c) to report on those matters which still require corrective action to the person responsible in the management structure.

(8) A person who has undertaken an inspection in pursuance of paragraph (1) shall prepare and sign a suitable written report of that inspection which shall be countersigned by a person exercising thorough supervision in that district unless that person had himself undertaken the inspection.

(9) At the end of the shift in which an inspection has been made a copy of the report required by paragraph (8) shall be posted forthwith in a suitable place at the mine and kept posted for at least 24 hours or until a subsequent report relating to the same district is posted whichever is the sooner.

(10) An individual who is, or who is employed by, a person with whom the owner has contracted to undertake other work at that mine or another mine of the owner shall not be appointed to undertake inspections under this regulation.

(11) Where, in order to avoid danger, the inspection includes detection of firedamp, any instrument used for that purpose shall be of an approved type or conform to an approved standard.

### **Additional duties of the manager of the mine**

**13.—**(1) It shall also be the duty of the manager of the mine, so far as is practicable—

- (a) to ensure that there is such sufficient supply of materials and plant and equipment readily available as is requisite to enable the relevant statutory provisions as they apply to the mine to be complied with;
- (b) to investigate promptly and, where appropriate, to remedy any complaints relating to—
  - (i) shortage of material or of plant and equipment required to be readily available in accordance with sub-paragraph (a) above, and
  - (ii) any other matters affecting the health, safety and welfare of persons at work at the mine;
- (c) to make suitable arrangements for recording the names of all persons who go below ground and of those who return to the surface with a view to ensuring that persons below ground and their location can be readily identified at any time;
- (d) to read and countersign or ensure are read and countersigned by suitably qualified and competent persons, all reports and records relating to the mine which are required to be made by the relevant statutory provisions and, if he does not read them himself, to ensure that all matters of an abnormal or unusual nature or which require action by him or by any other person within the management structure are brought to his attention forthwith; and
- (e) to ensure that each employee is made aware of the person in the management structure to whom he must normally report actual or apprehended danger in accordance with regulation 5(3).

(2) Where necessary to avoid danger, the manager shall make suitable arrangements so that when persons at work at the mine are below ground or are about to go below ground—

- (a) the barometric pressure is measured before the start of every shift and the trend in barometric pressure is noted;
- (b) the measurement of and trend in barometric pressure are so displayed that persons going below ground can be aware of them; and
- (c) the reading of and trend in barometric pressure are brought to the attention of all persons who exercise supervision in accordance with regulation 10(2)(a) or undertake inspections in accordance with regulation 12(2).

### **Limitation on the number of mines a person may manage**

14. An individual may not be appointed to manage more than one mine unless—
- (a) it is practicable for him to exercise the daily personal supervision required by regulation 9(2); and
  - (b) the owner of each mine concerned has notified the Executive of the appointment.

### **Appointment of managers to manage parts of a mine**

15.—(1) Where a mine by reason of its geography, can be divided into, and worked as, separate parts, the owner may so divide the mine and appoint a sole manager for each such part where this is requisite for the effective discharge of each manager's duties and, subject to paragraph (2), the manager of a part of a mine shall be treated for the purposes of these Regulations as a manager appointed under regulation 8 in relation to that part.

(2) In such a case as is mentioned in paragraph (1), the owner shall ensure co-ordination at the mine and that suitable arrangements are made to deal with emergencies.

(3) A plan clearly showing how the mine has been divided and indicating the points of separation of each part shall be kept in the covered accommodation of each such part of the mine to which the plan relates.

### **Instructions given to the manager by the owner**

16.—(1) Any instructions given by or on behalf of the owner to the manager of a mine which relate to the duties of the manager under the relevant statutory provisions shall be confirmed in writing by the owner if the manager so requests.

(2) Where the manager is of the opinion that instructions given to him by or on behalf of the owner are, or are likely to be, prejudicial to his duties under the relevant statutory provisions or to the health or safety of persons employed at the mine, he may refuse to carry out such instructions unless they have been confirmed in writing by a person who is suitably qualified and competent to be the manager of the mine concerned and who is duly authorised by the owner.

(3) No instruction which relates, or is likely to relate, to the responsibilities of the manager under the relevant statutory provisions shall be given by or on behalf of the owner to any person at work at the mine (other than the manager) except—

- (a) by, or with the consent of, the manager; or
- (b) in an emergency,

and any instructions so given in an emergency shall be confirmed in writing by the owner if the manager so requests.

(4) Copies of any instruction which has been confirmed in writing in accordance with the foregoing paragraphs of this regulation shall be kept by the manager and the owner for at least three years from the date on which the instruction ceased to have effect.

## **PART IV QUALIFICATIONS**

### **Approval of qualifications**

- 17.—(1) The Executive may approve qualifications for the purposes of—
- (a) the 1954 Act;

- (b) orders and regulations made under or having effect as if made under that Act; and
- (c) health and safety regulations which expressly apply to all mines, any class of mine, or any mine.

(2) The Executive may also approve a minimum age for applicants to whom specified certificates of qualification referred to in regulation 18 may be granted.

### **Certificates of qualification**

**18.**—(1) The possession of any qualification referred to in regulation 17 shall be attested by a valid certificate of qualification issued by the Executive or the body granting the qualification, as the case may be.

(2) The certificate shall state—

- (a) the name of the body issuing the certificate;
- (b) the name of the individual to whom it relates;
- (c) the purposes for which the certificate is granted;
- (d) that the body issuing the certificate is satisfied that the individual to whom the certificate relates has attained a satisfactory standard (whether by education, training or experience or a combination of them);
- (e) the period of validity of the certificate, if the certificate is so limited;
- (f) any conditions or restrictions that the body issuing the certificate sees fit to impose; and
- (g) the date of issue of the certificate.

### **Certificates issued under the 1954 Act to remain valid**

**19.**—(1) Where, immediately before the date of coming into force of these Regulations, an individual held a certificate relating to qualifications or competence issued under the provisions of the 1954 Act or regulations made or having effect as if made thereunder as then in force, that certificate shall remain valid for the period of its validity or, if no such period is specified in the certificate, indefinitely and shall be treated as a certificate issued under this Part and accordingly its holder shall be treated as being suitably qualified to hold the post to which the certificate relates.

(2) Any reference in the relevant statutory provisions to a certificate granted by the Executive on the recommendation of the Mining Qualifications Board established by section 148 of the 1954 Act shall be treated as a reference to a certificate issued under this Part and accordingly its holder shall be treated as being suitably qualified to hold the post to which the certificate relates.

### **Refusal to issue certificates**

**20.**—(1) The Executive or the body empowered to issue certificates for the purposes of regulation 18(1) may decide to refuse to issue a certificate of qualification to a person and in such a case shall notify that person of its decision so to do.

(2) Where a person is aggrieved by a decision of the Executive or other body empowered to issue certificates made in accordance with paragraph (1) to refuse to issue a certificate of qualification, he may, by an application in writing to the Executive, made within 28 days of the date on which he was notified of the decision, apply for that decision to be reviewed by it in accordance with a procedure approved for that purpose by the Health and Safety Commission and the Executive shall notify him of the result of that review.

### **Replacement of certificates**

21. If any certificate of qualification is defaced, lost or destroyed, the body issuing the certificate, or if that body has ceased to exist, the Executive may, on such terms as to evidence as it sees fit (and in a case where a certificate is defaced, on its surrender), issue a new certificate to replace it.

### **Expenses relating to certain certificates**

22. The expenses incurred by a person who is employed to perform the duties referred to in regulation 10(2)(a) or 12(1) and necessary to maintain his certificate of qualification shall be borne by the owner of the mine.

## **PART V**

### **TRAINING REQUIREMENTS**

#### **Restrictions on doing work by unskilled persons**

23. No person shall do any work at a mine unless either—
- (a) he has received adequate instruction in, and training for, the doing of that work and is competent; or
  - (b) he does so under the instruction and supervision of some other person who is competent to give instruction in and to supervise the doing of that work for the purpose of training him.

#### **Appointment of a person to organise training at the mine**

24. At every mine the manager shall appoint a suitably qualified and competent person to organise and, where appropriate, undertake the training of persons at work at the mine and shall afford that person such time and facilities and, where appropriate, support him by a sufficient number of suitably qualified and competent persons as will enable him to carry out his duties effectively.

#### **Scheme of training and supervision**

25. The manager after consulting the person appointed to organise training shall prepare a suitable scheme which shall specify—
- (a) the arrangements for—
    - (i) the supervision and training of persons without adequate experience of the work that they will be called upon to do, whether above or below ground, including, in particular, work at or near the mineral face, and
    - (ii) the training of operators of plant and equipment at the mine, and
  - (b) the reports and records of training to be made and kept at the mine or at some other place approved by the Executive.

#### **Duties of the person appointed to organise training**

26. Subject to any instructions given to him by the manager, it shall be the duty of the person appointed to organise training to—
- (a) implement the scheme referred to in regulation 25;
  - (b) provide reports to the manager of the progress and welfare of trainees at suitable intervals; and

- (c) supply to each trainee a suitable record of the training he has received.

## PART VI

### SURVEYORS AND PLANS

#### **Appointment of surveyors**

**27.**—(1) No mine shall be worked unless the owner has appointed a suitably qualified and competent person to be the surveyor for the mine.

(2) Where the post of surveyor becomes vacant the mine may be worked without a surveyor for a period up to 28 days or for such longer period as the Executive may approve.

#### **Duties of the surveyor**

**28.** It shall be the duty of the surveyor for the mine to ensure so far as is practicable—

- (a) that the plans, sections and working papers of the mine which are required under the relevant statutory provisions (whether prepared by him or not) are suitable, complete and accurate;
- (b) before ceasing to be the surveyor for the mine—
  - (i) that those plans and sections and the working papers referred to in regulation 29 are transferred to the owner of the mine unless they are already kept at the office of the mine or at some other place approved by the Executive; and
  - (ii) that a report in writing is prepared and sent to the owner of the condition of those plans and sections.

#### **Working plans, ventilation plans and geological map**

**29.**—(1) There shall be suitable, complete and accurate plans of all the workings in a mine and of its boundaries and as far as practicable of any other workings which may affect the safety of the mine (whether or not the workings are discontinued or have been abandoned) and accurate sections of the seams or vein-systems currently being worked in the mine and of the surrounding strata.

(2) The plans and sections referred to in paragraph (1) shall be—

- (a) kept at the office of the mine or at some other place approved for this purpose by the Executive;
- (b) prepared and revised at suitable intervals by the surveyor or a suitably qualified and competent person working under his supervision;
- (c) prepared in such form and in such quantity as is requisite to enable the mine to be worked safely;
- (d) prepared on such scale and marked with such features as are requisite for—
  - (i) the provision of accurate information relevant to the safe working of the mine; and
  - (ii) the provision of accurate information on the position and conditions of existing workings and as far as practicable workings that have been discontinued or abandoned;
- (e) marked with the date on which the plan or section was commenced, prepared and revised; and
- (f) permanently and clearly drawn or printed on suitable and durable material and maintained in good condition.

(3) The surveyor shall ensure that all working papers relating to the plans and sections referred to in paragraph (1) are signed and dated by the person who prepared them and are retained.

(4) The owner of a mine shall make the plans of that mine required by paragraph (1) and the working papers referred to in paragraph (3) available to the owner of, or the surveyor for, a neighbouring mine, if those plans are needed to assist in the preparation for compliance with any of the relevant statutory provisions of the plans for that neighbouring mine.

(5) There shall be kept at the office of the mine or some other place approved for that purpose by the Executive a plan showing the system of ventilation at the mine and, in particular, the general direction of the flow of ventilation, the points at which the quantity of air passing is assessed and the location of the principal devices for regulating the flow of ventilation.

(6) There shall be kept at the office of the mine or some other place approved for this purpose by the Executive a suitable geological map of the district in which the mine is situated showing the boundaries of superficial and drift deposits.

### **Facilities and information to be given to the surveyor**

**30.** The owner and the manager shall provide the surveyor for the mine with all plans, drawings and other relevant documents and information which are requisite for preparing the plans and sections required under regulation 29(1) and (5) and so far as is practicable the manager shall give the surveyor access to all the workings of the mine (including those which have been discontinued) for the purposes of preparing or revising those plans and sections.

### **Plans relating to abandoned mines or discontinued seams and vein-systems**

**31.—(1)** In the event of—

- (a) the abandonment of a mine; or
- (b) the working of a seam or vein-system in a mine being discontinued for a period of more than twelve months,

it shall be the duty of the person who was the owner at the time of the event to send to the Executive within three months of that date, or within such longer time as the Executive may approve, the plans and sections referred to in regulation 29(1) of, and the working papers referred to in regulation 29(3) relating to, the abandoned mine or of the discontinued seam or vein or, in either case, accurate copies thereof.

(2) The plans and sections required to be sent to the Executive in accordance with paragraph (1) shall be accompanied by—

- (a) a certificate given by the surveyor, or by some other suitably qualified and competent person authorised to act on behalf of the owner, who can so certify and report from his own knowledge that to the best of his knowledge and belief the plan or section is accurate; and
- (b) a certificate given by the manager, or by some other suitably qualified and competent person authorised to act on behalf of the owner who can so certify and report from his own knowledge that no further work, for the purpose of getting minerals, has taken place after a stated date which would affect the accuracy of the plan or section.

### **Retention and availability of plans etc.**

**32.—(1)** Where, in pursuance of regulation 31, plans and other documents have been sent to the Executive they shall be retained by the Executive or in accordance with arrangements approved by the Executive.

(2) Where plans and other documents or copies thereof have been sent to the Executive in pursuance of regulation 31, and subsequently it is proposed to resume working at any mine, seam or

vein-system to which those documents relate, on reasonable notice being given, the Executive shall send those plans and documents (or the copies thereof) to the owner of the mine to which they relate.

### **Faulty plans**

**33.** Section 19 of the 1954 Act (which relates to the powers of the Executive in relation to faulty plans) shall apply to plans and sections prepared under regulation 29(1) of these Regulations as it applied to plans and sections prepared for the purposes of that Act.

## **PART VII**

### **RECORDS AND INFORMATION**

#### **Notification of appointments to the Executive**

**34.** The owner of the mine shall notify the Executive, within 28 days of the date of appointment, of the name, address and terms of appointment of each of the following persons, namely—

- (a) the manager;
- (b) the person appointed in accordance with regulation 8(3) to exercise supervision when the manager is temporarily unavailable or the post of manager is vacant; and
- (c) the surveyor for the mine.

#### **Form and retention of reports, records etc.**

**35.—(1)** Every report or record which is required to be made under the relevant statutory provisions which apply to the mine shall be in a suitable form and shall be kept at the mine, or at some other place approved by the Executive, for at least three years from the date on which the report or record was made unless the provision concerned expressly imposes some other requirement.

(2) Paragraph (1) shall apply to copies of information notified to the Executive under the relevant statutory provisions which apply to the mine as it applies to reports and records.

(3) A copy of the written statement of duties of all persons appointed at the mine under these Regulations shall be kept at the mine or at some other place approved by the Executive for at least 12 months after the date on which the appointment ceased to have effect.

(4) Copies of all rules and schemes required to be made under the relevant statutory provisions which apply to the mine shall be kept at the office of the mine while those rules and schemes remain operative.

#### **Provision of covered accommodation and information to be kept in it**

**36.—(1)** There shall be provided suitable covered accommodation at every mine to which all persons at work at the mine shall have access.

(2) There shall be provided in that covered accommodation copies of—

- (a) all the relevant statutory provisions and all approved codes of practice which apply to the mine;
- (b) all schemes and rules required to be made under the relevant statutory provisions which apply to the mine;
- (c) any notices under the relevant statutory provisions served by an inspector which apply to the mine;

- (d) any consents or exemptions under the relevant statutory provisions granted by an inspector or the Executive which apply to the mine; and
- (e) a sketch plan of the mine showing the main roads and means of exit from each part of the mine to the surface and the telephone stations below ground.

### **Posting of notices**

**37.**—(1) At a place or places where they can be readily seen and read by persons at work at the mine, there shall be provided suitable notices showing—

- (a) the name and address of—
  - (i) the owner of the mine, and
  - (ii) the manager of the mine; and
- (b) the location of the covered accommodation referred to in regulation 36(1).

(2) If either—

- (a) regulations under the 1974 Act which affect the mine are made; or
- (b) any notice relating to the mine has been served by an inspector; or
- (c) any consent or exemption relating to the mine has been granted, by the Executive,

a notice to that effect shall be posted with the notices referred to in paragraph (1) for a period of 6 months immediately following the occurrence of the relevant event referred to in sub-paragraph (a), (b) or (c) above.

(3) The Executive may approve the form which notices posted pursuant to this regulation shall take.

## **PART VIII**

### **MISCELLANEOUS AND GENERAL**

#### **Exemptions**

**38.**—(1) Subject to paragraph (3), the Executive may, by a certificate in writing, exempt any mine, or part of a mine or class of mines or any person or class of persons from all or any of the prohibitions and requirements of these Regulations, and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by a certificate in writing.

(2) Where a mine is, for the time being, solely used for a purpose other than for, or in connection with, the getting of minerals or ensuring the safety of another mine, subject to paragraph (3), the Executive may, by a certificate in writing, exempt that mine from all or any of the prohibitions and requirements imposed by or under—

- (a) the 1954 Act;
- (b) orders and regulations made under or having effect as if made under that Act; and
- (c) health and safety regulations which expressly apply to all mines, to any class of mine to which the mine belongs, or the mine,

and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by a certificate in writing.

(3) The Executive shall not grant any such exemption unless, having regard to the circumstances of the case and in particular to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and

(b) any other requirements imposed by or under any enactment which apply to the case, it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

#### **Disapplication of section 157 of the 1954 Act**

**39.** Section 157 of the 1954 Act (which provides a defence in legal proceedings and prosecutions in certain circumstances) shall not apply in relation to any prosecutions or other legal proceedings based on an allegation of a contravention of a requirement or prohibition imposed by or under these Regulations.

#### **Disapplication of the Factories Act 1961 to mine premises**

**40.—(1)** Subject to paragraphs (2) and (3), none of the provisions of the Factories Act 1961(4) (“the 1961 Act”) shall apply to any premises forming part of a mine.

(2) Paragraph (1) shall not apply in a case where the mine is, for the time being, used for a purpose other than for, or in connection with, the getting of minerals or ensuring the safety of another mine and the Executive has issued an exemption certificate under regulation 38(2) exempting the mine from the relevant statutory provisions which expressly apply to all mines, to any class of mine to which the mine belongs or to the mine.

(3) Those provisions of the 1961 Act which are applied by section 127 of that Act to building operations and works of engineering construction shall apply to premises forming part of a mine except to—

(a) building operations undertaken below ground; and

(b) works of engineering construction whether undertaken above or below ground,

and in this paragraph the terms “building operation” and “work of engineering construction” have the same meanings as in section 176(1) of the 1961 Act.

## **PART IX**

### **REPEALS, MODIFICATIONS, REVOCATIONS AND SAVINGS**

#### **Repeals and modifications**

**41.—(1)** The provisions of the 1954 Act specified in column 1 of Part I of Schedule 3 are repealed to the extent specified in the corresponding entry in column 3 of that Part.

(2) The provisions of the 1954 Act specified in column 1 of Part II of Schedule 3 shall be modified to the extent specified in the corresponding entry in column 2 of that Part.

(3) The Mines Management Act 1971(5) is repealed.

#### **Certain provisions of the 1954 Act not to apply to mines**

**42.** The provisions of the 1954 Act specified in column 1 of Schedule 4 shall not apply to mines and accordingly those provisions shall be modified to the extent specified in the corresponding entry in column 2 of that Schedule.

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(4) 1961 c. 34, relevant amending instrument is S.I. 1974/1941.

(5) 1971 c. 20.

### **Revocations and modifications to instruments**

**43.**—(1) The instruments specified in column 1 of Schedule 5 shall be revoked to the extent specified in the corresponding entry in column 3 of that Schedule.

(2) The provisions of the instruments specified in column 1 of Schedule 6 shall be modified to the extent specified in the corresponding entry in column 2 of that Schedule.

(3) Any reference in special Regulations (being Regulations which apply to particular mines made or having effect as if made under the 1974 Act) to a “deputy” shall be treated as a reference to a person who has been appointed—

- (a) to exercise supervision under regulation 10(2)(a);
- (b) to make inspections under regulation 12(1); or
- (c) to exercise both such functions.

### **Application of the Health and Safety (First-Aid) Regulations 1981 to mines**

**44.**—(1) The Health and Safety (First-Aid) Regulations 1981(6) shall apply with the modifications set out in paragraph (2) to mines and mining operations as they apply to any premises or activity to which the 1974 Act applies and accordingly those Regulations shall be modified in accordance with paragraph (2) of this regulation.

(2) The Health and Safety (First-Aid) Regulations 1981 shall be modified as follows—

- (a) regulation 7(e) (cases where the Regulations do not apply) is revoked;
- (b) for regulation 8 substitute the following regulation—

#### **“Application to mines**

**8.**—(1) Subject to paragraph (2), in their application to mines, regulations 3 and 4 shall have effect as if the owner of the mine were the employer and as if all persons for the time being employed at the mine were his employees.

(2) Paragraphs (3) and (4) of regulation 3 shall not apply in relation to mines.”;

- (c) regulation 10(3) (repeals, revocations and modification) is revoked.

### **Records and registers required to be kept under the 1954 Act**

**45.** Any record or register required to be kept under any provision repealed or revoked by these Regulations shall, notwithstanding those repeals or revocations, be kept in the same manner and for the same period as if these Regulations had not been made, except that the Executive may approve their keeping at a place or in a form other than at the place where, or in the form in which, records were required to be kept under the provisions so repealed or revoked.

Signed by order of the Secretary of State.

28th July 1993

*Michael Forsyth*  
Minister of State,  
Department of Employment

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE 1

Regulation 6(6)

PROVISIONS OF THE 1954 ACT EXPRESSLY PROVIDING  
THAT A PERSON IS TO BE GUILTY OF AN OFFENCE

Column 1 Section	Column 2 Subject matter
65(1)	Damaging, destroying or losing a safety-lamp or allowing it to be damaged, destroyed or lost
65(2)	Tampering with a safety-lamp
66(1) and (3)	Having a cigar or cigarette, a pipe or other contrivance for smoking, or a match or mechanical lighter in or when about to go into a safety-lamp mine or safety-lamp part of a mine
66(6)	Refusal to allow searching
153	Inducing or procuring, or consenting to or conniving at, the commission of an offence under the Act
160	Liability of the parent for the employment of a young person in contravention of the Act

## SCHEDULE 2

Regulation 7

## NOTIFICATIONS TO THE EXECUTIVE

## PART I

## INFORMATION TO BE NOTIFIED 28 DAYS IN ADVANCE

1. The name, address and location of the mine.
2. The name and address of the owner.
3. The start of work to open a mine, seam or vein-system.
4. The start of operations to sink a new shaft or drive a new outlet.
5. The resumption of work on a seam or vein-system or use of a shaft or outlet.
6. The re-opening of a mine, seam, vein-system, shaft or outlet.

## PART II

## EVENTS TO BE NOTIFIED TO THE EXECUTIVE WITHIN 28 DAYS

1. Any change in the name, address and location of the mine.
2. Any change in the name and address of the owner.
3. A seam or vein-system ceasing to be worked or a shaft or outlet ceasing to be used.

4. The abandonment of the mine or of a seam, vein-system, shaft, or outlet.

## SCHEDULE 3

Regulation 41(1) and (2)

## REPEALS AND MODIFICATIONS OF THE 1954 ACT

## PART I

## REPEALS

Column 1 Provision	Column 2 Description	Column 3 Extent of repeal
Section 2	Appointment, and general duties and powers of, mine managers	The whole section
Section 3	Rights of mine manager with respect to instructions given by or on behalf of the owner	The whole section
Section 4	Qualifications of mine managers	The whole section
Section 5	Limitation on number of mines a person may manage	The whole section
Section 6	Under-managers	The whole section
Section 7	Temporary appointments during vacancy in office of mine manager or under-manager	The whole section
Section 8	Daily supervision of mine managers and under-managers	The whole section
Section 9	Charge of mine when neither manager nor under-manager nor substitute is present	The whole section
Section 10	Duties of mine managers with respect to reading of reports, etc.	The whole section
Section 11	Surveyors	The whole section
Section 12	Deputies	The whole section
Section 13	Other officials, engineers, technicians, etc.	The whole section
Section 14	Duties of the mine manager to ensure that persons appointed by him understand their duties	The whole section

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Column 1 Provision	Column 2 Description	Column 3 Extent of repeal
Section 15	Notification to district inspector of appointments by mine owners	The whole section
Section 16	Disqualification of contractors and their employees for appointment as managers, etc., of mines	The whole section
Section 17	Keeping of plans	The whole section
Section 18	Furnishing of documents and information requisite for preparation of plans	The whole section
Section 20	Transmission to inspector, and preservation of, plans of abandoned or disused mines, seams and veins	The whole section
Section 60	Provision of barometers and other measuring instruments	The whole section
Section 80	Duty of workmen to deal with, or report, danger	The whole section except for the purposes of section 115 of the 1954 Act (application to quarries)
Section 88	Restriction on doing of work by unskilled persons	The whole section except for the purposes of section 115 of the 1954 Act (application to quarries)
Section 89	Penalisation of failure to observe safety directions, etc.	The whole section except for the purposes of section 115 of the 1954 Act (application to quarries)
Section 90	Penalisation of negligent acts or omissions and unauthorised removal, etc. of articles	The whole section except for the purposes of section 115 of the 1954 Act (application to quarries)
Section 91	First aid	The whole section
Section 139	Notification of beginning and ending of certain mining and quarrying operations	Subsection (1)
Section 147	Grant of certificates	The whole section
Section 148	The Mining Qualifications Board	The whole section
Section 149	Qualifications for grant of certificates	The whole section

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Column 1 Provision	Column 2 Description	Column 3 Extent of repeal
Section 158	Special defence available to mine under-managers with limited jurisdiction	The whole section
Section 168	Division of mines	The whole section
Section 182	General interpretation of provisions	Subsection (2)

## PART II MODIFICATIONS

Column 1 Provision	Column 2 Extent of modification
Section 53	For the words from “for the purpose of fulfilling” to the words “subsection (1) of section 12 of this Act” substitute the words “to exercise supervision in accordance with regulation 10(2)(a) or to make inspections in accordance with regulation 12(1) of the Management and Administration of Safety and Health at Mines Regulations 1993 (S.I. 1993 No. 1897)”.
Section 150	In subsection (1), from the beginning to the words “or by virtue of this Act” substitute the words “On the conviction of an offence under the relevant statutory provisions the holder of a certificate granted by the Health and Safety Executive under or by virtue of this Act or of a certificate of qualification issued under regulation 18 of the Management of Safety and Health at Mines Regulations 1993 (S.I. 1993 No. 1897) (whether issued by the Health and Safety Executive or some other body)”.
Section 180	For subsection (1) substitute the following subsection—  “(1) In this Act the expression “mine” means an excavation or system of excavations, including all such excavations to which a common system of ventilation is provided, made for the purpose of, or in connection with, the getting, wholly or substantially by means involving the employment of persons below ground, of minerals (whether in their natural state or in solution or suspension) or products of minerals.”.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Column 1 Provision	Column 2 Extent of modification
Section 182	For paragraph (a) of subsection (3) substitute the following subsection– “(a) A mine shall be treated as being worked at any time when there are persons at work below ground or plant or equipment is in operation at the mine to maintain the safety of that mine or of any other mine or the operation of driving a shaft or outlet is being undertaken at the mine.”.

SCHEDULE 4

Regulation 42

PROVISIONS OF THE 1954 ACT NOT TO APPLY TO MINES AND EXTENT OF CONSEQUENT MODIFICATIONS

Column 1 Provisions	Column 2 Extent of modifications
Sections 1, 133 to 136, 140, 162, 182(3)(c) and 184	Omit the words “mine or” wherever they occur.
Section 1	In subsection (1), omit the words “mines and”. In subsection (2), omit the words “the manager of the mine or, as the case may be”.
Section 133	In subsection (1), omit the words “mines or”.
Section 134	In this section, omit paragraph (a).
Section 184	In subsection (5) omit paragraph (a).

SCHEDULE 5

Regulation 43(1)

REVOCATIONS

Column 1 Description of Instrument	Column 2	Column 3 Extent of revocation
The Coal and Other Mines (Managers and Officials) Regulations 1956	<a href="#">S.I. 1956/1758</a>	The whole Regulations
The Coal and Other Mines (Surveyors and Plans) Regulations 1956	<a href="#">S.I. 1956/1760</a>	The whole Regulations

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Column 1 Description of Instrument	Column 2	Column 3 Extent of revocation
The Coal and Other Mines (General Duties and Conduct) Regulations 1956	<a href="#">S.I. 1956/1761</a>	Regulations 2, 4(2), 5, 7, 8(1) and 9
The Miscellaneous Mines (General) Regulations 1956	<a href="#">S.I. 1956/1778</a>	Regulations 2 to 6 Regulation 62 Regulation 66 Regulation 67 Regulation 81
The Coal and Other Mines (Locomotives) Regulations 1956	<a href="#">S.I. 1956/1771</a>	Regulation 10
The Coal and Other Mines (First Aid) Regulations 1962	<a href="#">S.I. 1962/1423</a>	The whole Regulations
The Coal and Other Mines (Mechanics and Electricians) Regulations 1965	<a href="#">S.I. 1965/1559</a>	The whole Regulations
The Coal Mines (Training) Regulations 1967	<a href="#">S.I. 1967/82</a>	The whole Regulations
The Coal Mines (Mines Management) Regulations 1972	<a href="#">S.I. 1972/631</a>	The whole Regulations
The Boulby Mine (Maintenance Scheme) Special Regulations 1974.	<a href="#">S.I. 1974/112</a>	The whole Regulations

## SCHEDULE 6

Regulation 43(2)

## MODIFICATIONS TO REGULATIONS RELATING TO DEPUTIES

Column 1 Provision	Column 2 Extent of modification
The Coal and Other Mines (Ventilation) Regulations 1956(7) Regulation 17	For the word “deputy” substitute the words “person appointed to make inspections in accordance with regulation 12(1) of the 1993 Regulations”.

(7) [S.I. 1956/1764](#).

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Column 1 Provision	Column 2 Extent of modification
Regulation 23(1)	For the words “deputy in charge of a district affected” substitute the words “person appointed to exercise supervision in accordance with regulation 10(2)(a) of the 1993 Regulations, a person appointed to make inspections in accordance with regulation 12(1) of those Regulations over a district affected” and for the word “deputy”, substitute the word “person”.
Regulation 23(2)	For the words “A deputy” substitute the words “Such a person” and for the word “deputy” in the second place where that word occurs substitute the word “person”.
Regulation 27	For the words “deputy in charge of the district” substitute the words “person appointed to exercise supervision in accordance with regulation 10(2)(a) of the 1993 Regulations over that district or the person appointed to make inspections in that district in accordance with regulation 12(1) of those Regulations”.
Regulation 31	For the word “deputy” substitute the words “person appointed to exercise supervision in accordance with regulation 10(2)(a) of the 1993 Regulations, person appointed to make inspections in accordance with regulation 12(1) of those Regulations”.
Regulation 33(1)	Before the definition of “the Act” insert the following definition—  “the 1993 Regulations” means the Management and Administration of Safety and Health at Mines Regulations 1993 (S.I. 1993 No. 1897).’;  Revoke the definition of “deputy”.
The Coal and Other Mines (Safety-Lamps and Lighting) Regulations 1956(8)	
Regulation 3(1)	For the words “deputy” substitute the words “person appointed to exercise supervision in accordance with regulation 10(2)(a) of the 1993 Regulations, a person appointed to make inspections in accordance with regulation 12(1) of those Regulations”.
Regulation 15(1)	For the words “a manager, an undermanager, a deputy” substitute the words “a person

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(8) S.I. 1956/1765.

Column 1 Provision	Column 2 Extent of modification
	appointed to the management structure of the mine established in accordance with regulation 10(1) of the 1993 Regulations, a person appointed to make inspections in accordance with regulation 12(1) of those Regulations”.
Regulation 25(1)	Before the definition of “the Act” insert the following definition–
	“the 1993 Regulations” means the Management and Administration of Safety and Health at Mines Regulations 1993 (S.I. 1993 No. 1897).’;
	Revoke the definition of “deputy”.
The Coal and Other Mines (Locomotives) Regulations 1956(9)	
Regulation 36(1)	Revoke the definitions of “deputy” and “deputy’s district”.
The Coal Mines (Cardox and Hydrox) Regulations 1956(10)	
Regulation 8(5)	For the words “deputy or other official of the mine” substitute “a person appointed to the management structure of the mine established in accordance with regulation 10(1) of the 1993 Regulations”.
Regulation 19(2)	For the words “deputies’ inspections” substitute the words “inspections in accordance with regulation 12(1) of the 1993 Regulations”.
Regulation 26(d)	For the words “deputy in charge of the district” substitute the words “person appointed to exercise supervision of that district in accordance with regulation 10(2)(a) of the 1993 Regulations”.
Regulation 30(1)	Before the definition of “the Act”, insert the following definition–
	“the 1993 Regulations” means the Management and Administration of Safety and Health at Mines Regulations 1993 (S.I. 1993 No. 1897).’;
	Revoke the definition of “deputy”.

(9) S.I. 1956/1771.

(10) S.I. 1956/1942.

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Column 1 Provision	Column 2 Extent of modification
The Stratified Ironstone, Shale and Fireclay Mines (Explosives) Regulations 1956(11)	
Regulation 3(b)(vi)	For the word “deputy” substitute the words “a person appointed to exercise supervision in accordance with regulation 10(2)(a) of the 1993 Regulations”.
Regulation 10(4)	For the words “deputy or other official of the mine” substitute the words “a person appointed to the management structure of the mine established in accordance with regulation 10(1) of the 1993 Regulations”.
Regulation 11(9)	For the word “deputy” substitute the words “a person appointed to exercise supervision in accordance with regulation 10(2)(a) of the 1993 Regulations”.
Regulation 16(1)	For the words “deputy in charge of the district” substitute the words “person appointed to exercise supervision in accordance with regulation 10(2)(a) of the 1993 Regulations for the district affected”.
Regulation 27(a)	For the words “deputy in charge of every district” substitute the words “person appointed to exercise supervision in accordance with regulation 10(2)(a) of the 1993 Regulations for every district”.
Regulation 33(1)	For the word “deputy” substitute the words “a person appointed to exercise supervision in accordance with regulation 10(2)(a) of the 1993 Regulations”.
Regulation 33(3)	For the words from “in pursuance of regulation twelve” to the end of the paragraph substitute “in pursuance of regulation 12(1) of the 1993 Regulations of the next inspection of the district in which the shot was fired and for matters ancillary and supplemental thereto”.
Regulation 33(4)	For the word “deputy”, in both places where that word appears, substitute the word “person”.
Regulation 33(5)	For the word “deputy” substitute the words “person appointed to exercise supervision in accordance with regulation 10(2)(a) of the 1993 Regulations”.

(11) S.I. 1956/1943, amended by S.I. 1993/208.

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Column 1 Provision	Column 2 Extent of modification
Regulation 39	For the words from “by the deputy” to the end of the regulation, substitute the words “in accordance with regulation 12(1) of the 1993 Regulations”.
Regulation 41(3)(a)(i)	For the word “deputy” substitute the words “person appointed to exercise supervision in accordance with regulation 10(2)(a) of the 1993 Regulations”.
Regulation 41(3)(b)	For the word “deputy” substitute the words “person appointed to exercise supervision in accordance with regulation 10(2)(a) of the 1993 Regulations”.
Regulation 41(4)(a)	For the words from “the deputy for the district” to the end, substitute the words “the person appointed to exercise supervision in accordance with regulation 10(2)(a) of the 1993 Regulations for the district in which the mis-fire has occurred is responsible for the keeping of the said record, by that person”.
Regulation 49(1)(a)(ii)	For the words “deputies' inspections” substitute the words “inspections in accordance with regulation 12(1) of the 1993 Regulations”.
Regulation 54(2)	For the words “deputies' inspections” substitute the words “inspections in accordance with regulation 12(1) of the 1993 Regulations”.
Regulation 56(1)	Before the definition of “the Act” insert the following definition—  ““the 1993 Regulations” means the Management and Administration of Safety and Health at Mines Regulations 1993 (S.I. 1993 No. 1897).”;  Revoke the definitions of “deputy” and “deputy’s district”.
The Coal and Other Mines (Shafts, Outlets and Roads) Regulations 1960(12)	
Regulation 2(1)	Revoke the definition of “deputy”.
The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1985(13)	
Schedule 4, paragraph 1	In the definition of “appropriate person” in sub-paragraph (a) for the words “any official superior to a person appointed as a deputy”

(12) S.I. 1960/69.

(13) S.I. 1985/2023, amended by S.I. 1989/1457.

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Column 1 Provision	Column 2 Extent of modification
The Coal and Other Safety-Lamp Mines (Explosives) Regulations 1993(14) Regulation 29(3)	substitute the words “a person appointed to the management structure of the mine established in accordance with regulation 10(1) of the Management and Administration of Safety and Health at Mines Regulations 1993 (S.I. 1993 No. 1897)”.  For the words “deputy assigned to that district” substitute the words “a person appointed to exercise supervision in accordance with regulation 10(2)(a) of the Management and Administration of Safety and Health at Mines Regulations 1993 (S.I. 1993 No. 1897) for that district or a person appointed to make inspections in accordance with regulation 12(1) of those Regulations in that district”.
Regulation 29(4)	Revoke.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations impose a series of requirements and prohibitions relating to the management and administration of safety and health at mines and supersede certain of the provisions formerly imposed by or under the Mines and Quarries Act 1954.

### **Part I (Interpretation and general – regulations 1–5)**

In addition to defining the terms used and the scope of the Regulations which apply to all mines, duties are imposed on employers of all employees at work at the mine and on those employees.

### **Part II (Owners of mines – regulations 6 and 7)**

The regulations in this Part impose general duties on the owner of the mine including a duty to ensure that the mine is managed and worked in accordance with the relevant statutory provisions and that adequate financial and other provisions are made to achieve this. Notification to the Executive is required if working at a mine is commenced or certain events specified in the Regulations occur.

### **Part III (Structure of health and safety management and inspection of the mine – regulations 8 to 16)**

The regulations in this Part impose a duty on the owner to appoint a suitably qualified and competent person to be the manager of the mine and specify his authority and duties. They also require the establishment of a suitable management structure for the mine with a view to ensuring that the mine is worked safely and that all persons at work below ground at the mine are under thorough supervision at all times.

The regulations in this part also provide for the safe installation and systematic inspection and maintenance of plant and equipment and for adequate inspection of all parts of the mine, in each case, by suitably qualified and competent persons.

### **Part IV (Qualifications – regulations 17 to 22)**

The regulations in this Part provide for the approval of qualifications and for the issue of certificates of qualification. They also provide for review by the Executive of a refusal to issue a certificate of qualification.

### **Part V (Training requirements – regulations 23 to 26)**

The regulations in this Part require persons at work at a mine to have received adequate training and for the appointment of by a suitably qualified and competent person to organise training at the mine in accordance with a suitable scheme.

### **Part VI (Surveyors and plans – regulations 27 to 33)**

The regulations in this Part require the appointment of a suitably qualified and competent person to be the surveyor for the mine and require him to ensure that suitable accurate plans and sections of the mine are prepared and maintained. The regulations also provide that in the case of a mine which is abandoned the relevant plans etc. are sent to the Executive, the regulations make provision in relation to faulty plans.

### **Part VII (Records and information – regulations 34 to 37)**

The regulations in this Part require details of certain appointments at the mine to be sent to the Executive and for the retention of reports and records relating to the mine. They also specify the information that is to be made available to persons at work at the mine in the covered accommodation that is required to be provided. Certain other information is required to be displayed at the mine in the form of notices.

### **Part VIII (Miscellaneous and general – regulations 38 to 40)**

The regulations in this Part provide for the Executive to issue under certain circumstances exemptions from the requirements of the Regulations and disapply section 157 of the Mines and Quarries Act 1954 (which provides a defence in legal proceedings and prosecutions in certain circumstances) in relation to the Regulations. With certain exceptions the provisions of the Factories Act 1961 are disappplied in relation to premises forming part of a mine.

### **PART IX (Repeals, modifications, revocations and savings – regulations 41 to 43)**

The regulations in this Part repeal certain provisions of the Mines and Quarries Act 1954 and provide that certain other provisions of that Act shall not apply to mines. The Mines Management Act 1971 is also repealed. The regulations revoke and modify certain instruments made or having effect as if made under that Act and certain other health and safety regulations.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

The Regulations also require that records and registers required to be kept under provisions repealed and revoked by these Regulations shall continue to be kept as if those provisions had not been repealed and revoked.