

1972 No. 631

**MINES AND QUARRIES****The Coal Mines (Mines Management) Regulations 1972**

<i>Made</i>	- - -	<i>20th April 1972</i>
<i>Laid before Parliament</i>		<i>1st May 1972</i>
<i>Coming into Operation</i>		<i>22nd May 1972</i>

Whereas in pursuance of Part 1 of Schedule 2 to the Mines and Quarries Act 1954(a) the Secretary of State has published notice of his intention to make the following regulations and has not received any objection to the draft thereof in respect to which he is required to refer the draft regulations for inquiry and report—

Now, therefore, the Secretary of State in exercise of his powers under section 141 of the Mines and Quarries Act 1954 and sections 1 to 3 of the Mines Management Act 1971(b) and all other powers in that behalf enabling him hereby makes the following regulations—

*Citation and Commencement*

1. These regulations may be cited as the Coal Mines (Mines Management) Regulations 1972 and shall come into operation on 22nd May 1972.

*Interpretation*

2.—(1) In these regulations—

“the 1954 Act” means the Mines and Quarries Act 1954 ;

“the 1971 Act” means the Mines Management Act 1971.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

*Mines to which the 1971 Act Applies*

3.—(1) Subject to the following provisions of this regulation the following classes and descriptions of mines are hereby prescribed for the purposes of sections 1 and 2 of the 1971 Act—

(a) mines of coal at which the total number of persons employed exceeds seven hundred and fifty ; and

(b) mines of coal where persons are employed below ground on two or more shifts in any period of twenty-four hours for the purpose of getting coal at a face.

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 (a) 1954 c. 70.

(b) 1971 c. 20.

(c) 1889 c. 63.

(2) The validity of an appointment made by the owner of a mine under section 1(1) of the 1971 Act or of any written instructions given under section 1(2) or for purposes of section 2 shall not be affected by reason of the fact that the total number of persons employed at the mine at any time after the making of the appointment or the giving of the instructions as the case may be falls below seven hundred and fifty-one or by reason of the fact that working below ground on two or more shifts for the purpose of getting coal at a face is occasionally or for short periods suspended.

(3) Where a manager has given a person written instructions under section 1(2) of the 1971 Act he may give him further written instructions notwithstanding that the total number of persons employed at the mine is below seven hundred and fifty-one or working below ground on two or more shifts for the purpose of getting coal at a face is suspended as aforesaid at the time of the further instructions.

(4) Where an appointment has been made by the owner of a mine under section 1(1) of the 1971 Act the owner may make a fresh appointment to replace the person previously appointed and the manager may give the person freshly appointed written instructions under section 1(2) notwithstanding that the total number of persons employed at the mine is below seven hundred and fifty-one or working below ground on two or more shifts for the purpose of getting coal at a face is suspended as aforesaid at the time of the fresh appointment or the instructions.

(5) Where a manager has given an under-manager written instructions for purposes of section 2 of the 1971 Act he may give him or any under-manager appointed by the owner to replace him or any under-manager appointed by the owner in addition to him further written instructions notwithstanding that the total number of persons employed at the mine is below seven hundred and fifty-one or working below ground on two or more shifts for the purpose of getting coal at a face is suspended as aforesaid at the time of the further instructions.

#### *Qualifications of managers' assistants*

4.—(1) No person shall be capable of being given, or having, by virtue of instructions under section 1(2) of the 1971 Act any statutory responsibilities of the manager in relation to the construction, installation, maintenance, testing, repair, adjustment, alteration, or examination of any machinery or apparatus, used as, or forming, part of the equipment of the mine, or its fitness for use for the purpose for which it is intended to be used unless he is the holder of a first-class certificate of competency valid with respect to the mine or is qualified to be the mechanical engineer or the electrical engineer for the mine.

(2) No person shall be capable of being given, or having, by virtue of instructions under section 1(2) of the 1971 Act any statutory responsibilities of the manager (other than those mentioned in paragraph (1)) in relation to any part of the mine which is within the jurisdiction of an undermanager, unless he is qualified to be the manager by virtue of section 4(1) of the 1954 Act.

(3) An inspector may by notice served on the manager of the mine exempt it from the application of any provision of this regulation.

5. No person shall, without the approval of an inspector, be capable of being given, or having, by virtue of instructions under section 1(2) of the 1971 Act any statutory responsibilities of the manager at more than one mine.

*Provision of copies of instructions to managers' assistants*

6. It shall be the duty of the manager of every mine, where written instructions have been given under section 1(2) of the 1971 Act, to ensure that at all times at which persons are employed at the mine there shall be provided in the covered accommodation provided in pursuance of section 135 of the 1954 Act a copy of all the said instructions which are in force ; and all persons employed at the mine shall be entitled to have access to that accommodation for the purpose of inspecting the said documents.

*Tom Boardman,*  
Minister for Industry,  
Department of Trade and Industry.

20th April 1972.

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EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These regulations prescribe the classes and descriptions of mines to which section 1 (appointment of and giving of statutory responsibilities to managers' assistants) and section 2 (defence for undermanagers required by written instructions from the manager to be on duty at certain times) of the Mines Management Act 1971 apply.

The regulations also provide for qualifications for managers' assistants in certain cases. The regulations further provide for provision in covered accommodation of copies of instructions to managers' assistants under section 1(2).

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