
STATUTORY INSTRUMENTS

1993 No. 1897

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

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(1);

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

“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,

(1) 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.

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(2)) associated with the mine, and accordingly the duties of the owner of the mine shall extend to such a tip.

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.

(2) 1969 c. 10, to which there are amendments not relevant to these Regulations.

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.