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STATUTORY INSTRUMENTS

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**1993 No. 208**

**The Coal and Other Safety-Lamp  
Mines (Explosives) Regulations 1993**

**PART VII**

**MISCELLANEOUS AND GENERAL**

**Records**

**36.**—(1) The manager shall ensure that any record required by regulation 4(3) is kept for the period that the person to whom it relates is employed at the mine and for five years thereafter.

(2) The manager shall ensure that the records required by regulations 5(6) and (7) and 34 are kept for a period of three years from the date of being made.

**Defence**

**37.** In any proceedings for an offence consisting of a contravention of regulation 4(3), regulation 5(1), (3), (4), (5), (6) or (7), regulation 7(2), (4) or (5), regulation 9(4), regulation 22(3), regulation 31(2) or regulation 36, it shall be a defence for the manager concerned to prove that he took all reasonable steps and exercised all due diligence to avoid the commission of the offence.

**General duty of mine manager**

**38.** It shall be the duty of the manager to ensure, so far as is reasonably practicable, that any requirement or prohibition imposed upon any other person by or by virtue of these Regulations is duly complied with by the person concerned.

**Exemption certificates**

**39.**—(1) Subject to paragraph (2), the Health and Safety Executive may, by certificate in writing, exempt any—

- (a) person;
- (b) class of person;
- (c) safety-lamp mine;
- (d) class of safety-lamp mine;
- (e) part of a safety-lamp mine;
- (f) activity;
- (g) class of activity;
- (h) thing; or
- (i) class of thing,

from any requirement or prohibition imposed by these Regulations and any such exemption may be granted subject to conditions and to limit of time and may be revoked by certificate in writing at any time.

(2) 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 or safety of persons who are likely to be affected by the exemption will not be prejudiced because of it and that the security of explosives or detonators will not be so prejudiced.

### **Disapplication of sections 69(3) and (4) and 157 of the Mines and Quarries Act 1954**

**40.**—(1) Section 69(3) and (4) of the Mines and Quarries Act 1954 (which places restrictions on the taking or use below ground in a mine of any blasting material or device) shall not apply in respect of any safety-lamp mine.

(2) Section 157 of the Mines and Quarries Act 1954(1) (which provides a defence in certain legal proceedings in the circumstances specified therein) shall not apply in relation to any legal proceedings to recover damages or any prosecution based on an allegation of a contravention of a requirement or prohibition imposed by or under these Regulations.

### **Revocations and modifications**

**41.**—(1) The Regulations specified in column 1 of the Schedule to these Regulations are revoked to the extent specified in the corresponding entry in column 3 thereof.

(2) The Stratified Ironstone, Shale and Fireclay Mines (Explosives) Regulations 1956(2) shall be modified as follows—

- (a) in regulation 1, there shall be inserted after the word “fireclay” the words “which is not a safety-lamp mine as defined by regulation 2(1) of the Coal and Other Safety-Lamp Mines (Explosives) Regulations 1993”; and
- (b) in regulation 51(1), the words “Parts II to VII” shall be substituted for the words “Parts II to VIII”.

(3) The following regulation shall be substituted for regulation 5 of the Miscellaneous Mines (Explosives) Regulations 1959(3):

“5. These Regulations shall apply to every mine other than one to which the provisions of the Stratified Ironstone, Shale and Fireclay Mines (Explosives) Regulations 1956 or the Coal and Other Safety-Lamp Mines (Explosives) Regulations 1993 apply.”.

### **Transitional and saving provisions**

**42.**—(1) Any person who, immediately before the coming into force of these Regulations, was lawfully employed as a shotfirer at a coal mine in any part of which (in accordance with regulation 7 of the Coal Mines (Explosives) Regulations 1961(4)) only permitted explosives as defined by paragraph (1) of that regulation could be used shall be deemed to have been appointed as a shotfirer at the mine in question in compliance with regulation 4(1) for the period that the certificate obtained

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(1) 1954 c. 70; section 157 was modified by S.I. 1974/2013.

(2) S.I. 1956/1943, to which there are amendments not relevant to these Regulations.

(3) S.I. 1959/2258, to which there are amendments not relevant to these Regulations.

(4) S.I. 1961/854, amended by S.I. 1975/1102 and S.I. 1978/1648.

by him pursuant to regulation 10(1)(b) of the above Regulations of 1961 would have remained valid had not those Regulations been revoked by these Regulations.

(2) Any person who, immediately before the coming into force of these Regulations, was lawfully employed as a shotfirer at a coal mine except one in any part of which (in accordance with regulation 7 of the Coal Mines (Explosives) Regulations 1961) only permitted explosives as defined by paragraph (1) of that regulation could be used shall be deemed to have been appointed as a shotfirer at the mine in question in compliance with regulation 4(1) for the period of two years which follows the coming into force of these Regulations.

(3) Any person who, immediately before the coming into force of these Regulations, was lawfully employed as a shotfirer at a safety-lamp mine which is not a coal mine shall be deemed to have been appointed as a shotfirer at the mine in question in compliance with regulation 4(1).