



Mines Act (Northern Ireland) 1969

1969 CHAPTER 6

N.I.

An Act to make fresh provision with respect to the management and control of mines and for securing the safety, health and welfare of persons employed thereat; to regulate the employment thereat of women and of young persons and certain other persons under the age of twenty-one years; to enable certain tips to be regulated and to require the fencing of abandoned and disused mines; to amend the Quarries Act (Northern Ireland) 1927; and for purposes connected with the matters aforesaid. [24th June 1969]

PART I N.I.

GENERAL DUTIES OF MINE OWNERS

1 General duties of mine owners. N.I.

- (1) It shall be the duty of the owner of every mine to make such financial and other provision and take such other steps as may be necessary to secure—
- (a) that the mine is managed and worked in accordance with the provisions in that behalf of this Act, orders made thereunder and regulations and is so planned and laid out as to enable that purpose to be readily secured; and
 - (b) that all other provisions of this Act, orders made thereunder and regulations and all requirements imposed under this Act, orders made thereunder and regulations [^{F1} and all requirements or prohibitions imposed by or under the Health and Safety at Work (Northern Ireland) Order 1978 or health and safety regulations] are, so far as applicable to the mine, duly complied with;

and, in particular, but without prejudice to the generality of the foregoing words, to give, to any person appointed by him for the purpose of securing the fulfilment, in relation to the mine, of statutory responsibilities of his with respect to any matters, written instructions defining the matters with respect to which that person is charged with securing the fulfilment of those responsibilities.

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Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

- (2) Forthwith after the giving by the owner of a mine, to a person appointed by him for the purpose aforesaid, of such instructions as aforesaid, the owner shall send a copy of the instructions to^{F2} the Executive^{F2}. . . and to the manager of the mine.

F1 SR 1980/333

F2 SR 1999/150

PART II **N.I.**

MANAGEMENT AND CONTROL

N.I.

MANAGERS AND UNDER-MANAGERS

2 **Appointment, and general duties and powers, of mine managers. **N.I.****

- (1) Subject to the following provisions of this Act, no mine shall be worked unless there is a sole manager of the mine, being an individual duly appointed and having such qualifications, if any, as are required by or by virtue of the said provisions.
- (2) The manager of a mine shall have the management and control of the mine, exercisable subject to any instructions given to him by or on behalf of the owner thereof, and shall also—
- (a) have the duty of securing the discharge by all others of obligations imposed on them with respect to the mine by or by virtue of the following provisions of this Act; and
 - (b) have such duties with respect to the appointment of persons to carry out inspections of the mine and to be in charge of, or to supervise or conduct, operations thereat, and such other duties, and such powers, as are imposed or conferred on him by or by virtue of the following provisions of this Act.
- (3) The manager of a mine shall be appointed by the owner thereof who, if an individual, may appoint himself subject, in the case of a mine whereof the manager is by or by virtue of the following provisions of this Act required to hold qualifications for his office, to the possession by the owner of those qualifications.

3 **Rights of mine manager with respect to instructions given by or on behalf of owner. **N.I.****

- (1) Any instructions given to the manager of a mine by or on behalf of the owner thereof, being instructions affecting the fulfilment, in relation to the mine, by the manager of statutory responsibilities of his, shall, so far as they are not written, be confirmed in writing by the person by whom they were given forthwith after the making of a request in that behalf by the manager.
- (2) Except in a case of emergency, neither the owner of a mine nor a person acting on his behalf shall, except with the consent of the manager of the mine, give, otherwise than through the manager, any instructions to a person employed at the mine who is responsible to the manager; and where the owner of a mine or a person acting on his

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behalf gives, in either of the said excepted cases, instructions which, apart from the exception, would be required to be given through the manager of the mine, the person who gave the instructions shall, forthwith after he has given them, inform the manager of the substance thereof and, if requested so to do by the manager, confirm them in writing forthwith after the making of the request.

The foregoing provisions of this subsection shall not apply to any instructions given by an under-manager of a mine or a person appointed by the manager of a mine in pursuance of this Act or regulations.

- (3) Where, in the case of a mine whereof the manager is by or by virtue of the following provisions of this Act required to hold qualifications for his office, instructions are given by or on behalf of the owner of the mine to the manager of the mine, an under-manager thereof or a person appointed by the manager in pursuance of this Act or regulations, then, if the manager is of opinion that the execution of the instructions would or might be likely to prejudice the safety or health of the persons employed at the mine (or any of them) or to impede him in the discharge, in relation to the mine, of any duty imposed on him by or by virtue of this Act, he may,—
- (a) in a case where the instructions are given to him, decline to execute them until they are confirmed in writing by a person qualified for appointment as manager of the mine who is authorised in writing by the owner of the mine to confirm instructions given as aforesaid;
 - (b) in any other case, direct that the instructions be not executed until they are so confirmed by such a person.

The foregoing provisions of this subsection shall not apply to instructions given by an owner of a mine who is an individual or by such a person as is mentioned in paragraph (a).

- (4) Where, in the case of such a mine as is mentioned in subsection (3), instructions are given and confirmed as therein mentioned, the document by which they are confirmed shall be preserved by the manager of the mine, and a copy of that document shall be preserved by the owner of the mine, in each case for three years after the instructions cease to be operative.

4 Qualifications of mine managers. N.I.

- (1) No person shall be qualified to be appointed or to be the manager of a mine of coal, stratified ironstone, shale or fireclay at which more than thirty persons are employed below ground unless he is the holder of a first-class certificate of competency valid with respect to the mine, has attained the age of twenty-six years and satisfies such other conditions, if any, as may be prescribed.
- (2) No person shall be qualified to be appointed or to be the manager of a mine of coal, stratified ironstone, shale or fireclay at which more than fourteen but not more than thirty persons are employed below ground—
- (a) except in a case falling within paragraph (b), unless he is the holder of a first-class or second-class certificate of competency valid with respect to the mine, has attained the age of twenty-three years and satisfies such other conditions, if any, as may be prescribed;
 - (b) in a case where there is for the time being in force a direction, given by^{F3} the Executive] by notice served on the owner of the mine, that this paragraph shall apply to the mine, unless he is the holder of a first-class certificate of

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competency valid with respect to the mine, has attained the age of twenty-six years and satisfies such other conditions, if any, as may be prescribed;

but the Ministry may, by notice served on the owner of any such mine as aforesaid, exempt the mine from the provisions of this subsection.

- (3) In the case of a mine of coal, stratified ironstone, shale or fireclay at which not more than fourteen persons are employed below ground,^[F3 the Executive] may by notice served on the owner of the mine direct that this subsection shall apply to the mine and, while the direction remains in force, no person shall be qualified to be appointed or to be the manager of the mine unless he is the holder of a first-class or second-class certificate of competency valid with respect to the mine, has attained the age of twenty-three years and satisfies such other conditions, if any, as may be prescribed.

Subs.(4) rep. by SR 1980/333

F3 SR 1999/150

5 Limitation on number of mines which a person may manage. **N.I.**

- (1) No person shall, without the approval of^[F4 the Executive], be manager of more than one mine unless the surface entrances to all the shafts and outlets for the time being in use at all the mines of which he is manager lie within a circle whose radius is^[F5 4 kilometres].
- (2) Where a person is manager of two or more mines and it appears to the Ministry that by reason thereof the fulfilment, in relation to those mines or any of them, by that person of statutory responsibilities of his is prejudiced, the Ministry may serve on the owner of each of the mines of which the first-mentioned person is manager a notice directing that the person who is the manager of such of those mines as may be specified in the notice shall not also be the manager of the others or of such of them as may be so specified.

F4 SR 1999/150

F5 SR 1991/239

6 Under-managers. **N.I.**

- (1) For any mine there may be one or more under-managers and (subject to the following provisions of this section and to the following provisions of this Act) in the case of—
- (a) a mine which, by virtue of the foregoing provisions of this Act, cannot lawfully be worked unless the manager thereof is none other than the holder of a first-class certificate of competency, being a mine whereof the manager is also the manager of another mine; and
 - (b) a mine (other than one falling within the foregoing paragraph), being a mine with respect to which there is for the time being in force a direction, given by^[F6 the Executive] by notice served on the owner of the mine, that, on the ground of the size or condition of the mine or the system of working it being such as, in the opinion of^[F6 the Executive], to render it inexpedient that it should be worked unless there is at least one under-manager, this paragraph shall apply to the mine;

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the mine shall not be worked unless there is at least one under-manager.

- (2) If^{F6} the Executive] is satisfied with respect to any such mine as is mentioned in paragraph (a) of subsection (1) that it is unnecessary to require the appointment of an under-manager for the mine,^{F6} the Executive] may, by notice served on the owner of the mine, direct that so much of that subsection as prohibits the mine's being worked without there being at least one under-manager shall not have effect with respect to the mine.
- (3) The jurisdiction of an under-manager of a mine may be limited to part of the mine, but a mine the working whereof is unlawful unless there is at least one under-manager shall not be worked unless every part thereof below ground is within the jurisdiction of the under-manager or (where there are two or more under-managers) some one of them.
- (4) It shall be the duty of an under-manager of a mine, to the extent of his jurisdiction thereover, to supervise all operations carried on thereat and, to the best of his ability, to execute and enforce with respect to the mine the provisions of this Act, orders made thereunder and regulations.
- (5) No mine of coal, stratified ironstone, shale or fireclay (being a mine which, by virtue of the foregoing provisions of this Act, cannot lawfully be worked unless the manager thereof is none other than the holder of a first-class certificate of competency) shall be worked so long as a person is under-manager thereof who does not satisfy the following conditions, namely, that he is the holder of a first-class or second-class certificate of competency valid with respect to the mine, that he has attained the age of twenty-three years and that he satisfies such other conditions, if any, as may be prescribed; and provision may be made by regulations for requiring that no mine (other than as aforesaid) shall be worked so long as a person is under-manager thereof who does not satisfy such conditions as may be prescribed.
- (6) An under-manager of a mine shall be appointed by the owner thereof.

F6 SR 1999/150

7 Temporary appointments during vacancy in office of mine manager or under-manager. **N.I.**

- (1) Where, by reason of death, resignation or other cause, a vacancy occurs in the office of manager of a mine, nothing in section 2 shall prevent the mine's being worked at any time during a period not exceeding seventy-two days (or such longer period as^{F7} the Executive] may allow) until the vacancy is filled, if at that time there is a person appointed by the owner of the mine to exercise the powers and perform the duties of manager of the mine during a vacancy in the office, being a person who, at that time, is or could be an under-manager of the mine without the working of the mine thereby being rendered unlawful by or by virtue of section 6(5).
- (2) Where, in the case of a mine the working whereof is unlawful unless there is at least one under-manager, a sole or last surviving under-manager dies, resigns or otherwise ceases to hold office, nothing in section 6 shall prevent the mine's being worked at any time during a period not exceeding seventy-two days (or such longer period as^{F7} the Executive] may allow) until the vacancy is filled, if at that time there is a person appointed by the owner of the mine to perform the duties of under-manager thereof

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in the event of a sole or last surviving under-manager ceasing to hold office, being a person who at that time either could be an under-manager of the mine without the working of the mine thereby being rendered unlawful by or by virtue of section 6(5) or has such other qualifications as may be prescribed and has within his jurisdiction every part of the mine below ground.

- (3) A person appointed by the owner of a mine as mentioned in subsection (1) or (2) shall, so far as regards any period during which he acts in exercise of his appointment, be treated for the purposes of this Act, orders made thereunder and regulations in all respects as if he were the manager of the mine to which the appointment relates or, as the case may be, an under-manager thereof.

F7 SR 1999/150

8 Daily supervision by mine managers and under-managers. **N.I.**

- (1) No mine shall be worked unless daily personal supervision thereover is exercised by the manager thereof or, during any period during which he is absent on leave or is prevented from exercising such supervision by sickness or other cause beyond his control, by a person appointed by the owner of the mine to exercise such supervision during any such period, being a person who is or could be an under-manager of the mine without the working of the mine thereby being rendered unlawful by or by virtue of section 6(5); but the foregoing provisions of this subsection shall not authorise the working of a mine by virtue of the exercise of daily personal supervision by a person other than the manager thereof for any period exceeding seventy-two days (or such longer period as^{F8} the Executive] may allow).
- (2) No such mine as is mentioned in paragraph (a) or (b) of subsection (1) of section 6 (not being a mine with respect to which a direction under subsection (2) of that section is in force) shall be worked unless daily personal supervision is exercised by each under-manager thereof or, during any period during which he is absent on leave or is prevented from exercising such supervision by sickness or other cause beyond his control, by a person appointed by the owner of the mine to exercise such supervision during any such period, being a person who either is or could be an under-manager of the mine without the working of the mine thereby being rendered unlawful by or by virtue of section 6(5) or has such other qualifications as may be prescribed.
- (3) A person appointed as mentioned in subsection (1) or (2) shall, so far as regards any period during which he acts in exercise of his appointment, be treated for the purposes of this Act, orders made thereunder and regulations in all respects as if he were the manager of the mine to which the appointment relates or, as the case may be, the under-manager thereof in whose place he is acting, so, however, that nothing in the foregoing provisions of this subsection shall be construed as divesting the manager or an under-manager of a mine of any power, or relieving him from any duty or liability, conferred or imposed on him by or by virtue of this Act.

F8 SR 1999/150

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9 Charge of mine when neither manager nor under-manager nor substitute is present. N.I.

- (1) Subject to subsection (2), no mine shall be worked at a time when neither the manager of the mine, nor an under-manager thereof nor a person acting in exercise of an appointment made for the purpose of any of the provisions of sections 7 and 8 is present at the mine unless the mine is in the charge of a competent person appointed by the manager and having such qualifications, if any, as may be prescribed.
- (2) Nothing in subsection (1) shall prevent the working of a mine at a time when no persons are employed thereat below ground.

10 Duties of mine managers with respect to reading of reports, &c. N.I.

It shall be the duty of the manager of every mine, with respect to each report, record or other item of information which, in pursuance of this Act or regulations [^{F9} or health and safety regulations], is entered in a book which by or by virtue of this Act [^{F9} or by health and safety regulations which expressly apply to all mines, any class of mine to which the mine belongs or the mine] is required to be provided for that purpose by the owner of the mine, either to read it himself forthwith or to secure that it is read forthwith by some other competent person and that there is promptly brought to his notice any matter disclosed by the report, record or other item of information which either is of an abnormal or unusual nature as regards the mine or, not being of such a nature, is of a kind which will or may necessitate the taking of any steps by the manager or any other person.

F9 SR 1980/333

N.I.

SURVEYORS

11 Surveyors. N.I.

- (1) No mine shall be worked unless there is a surveyor for the mine appointed by the owner thereof and having such qualifications, if any, as may be prescribed; but where by reason of death, resignation or other cause, a vacancy occurs in the office of surveyor for a mine, the foregoing provisions of this subsection shall not prevent the working of the mine for a period not exceeding twenty-eight days (or such longer period as [^{F10} the Executive] may allow) until the vacancy is filled.
- (2) The surveyor for a mine shall have such responsibilities with respect to the preparation of, and otherwise in relation to, plans and other documents required by virtue of the following provisions of this Act to be kept in relation to the mine, and such other responsibilities, as may be imposed on him by virtue of those provisions.

F10 SR 1999/150

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N.I.

OFFICIALS AND TECHNICIANS

12 Deputies. **N.I.**

(1) Provision may be made by regulations—

- (a) for imposing, in relation to a mine, such requirements with respect to the carrying out, by competent persons appointed for the purpose by the manager of the mine and having such qualifications, if any, as may be prescribed, of inspections of the mine as it may appear to the Ministry requisite or expedient to impose for the purpose of securing the safety and health of the workmen employed thereat;
- (b) for providing that, subject to any exceptions for which provision may be made by the regulations, the persons appointed to discharge at a mine the duties imposed by virtue of paragraph (a) shall have the immediate charge of the workmen employed at the mine and of the operations carried on by them thereat;
- (c) for prescribing any duties to be discharged by the persons so appointed in addition to those imposed on them by virtue of paragraphs (a) and (b) or by or by virtue of any of the following provisions of this Act, and for requiring that, subject to any exceptions for which provision may be made by the regulations, those persons shall devote the whole of their time to the discharge of the duties prescribed by virtue of this paragraph or imposed as aforesaid; and
- (d) for requiring or authorising the delimitation in a mine of districts for the purpose of the discharge by the persons so appointed of their duties, for requiring that where, in a mine, districts are delimited for that purpose no one of those persons shall have charge of more than one district and for relating to each district the duties of the person in charge of it;

and it shall be the duty of the manager of a mine in relation to which requirements are imposed by virtue of paragraph (a) to secure that the number of persons appointed for the purpose of fulfilling those requirements is sufficient to secure the efficient discharge of the duties imposed on those persons.

Subs.(2) rep. by SR 1980/333

13 Other officials, engineers, technicians, &c. **N.I.**

- (1) It shall be the duty of the manager of every mine to appoint (in addition to any persons appointed by him in pursuance of, or of regulations having effect by virtue of, any provision of this Act other than this subsection) such number of officials, engineers and technicians and other competent persons, if any, as is sufficient (taking into account activities in that behalf which are undertaken in person by the manager of the mine, by any under-manager thereof and by any persons appointed as aforesaid) to secure—
 - (a) the adequate inspection of the mine and the equipment thereof;
 - (b) the thorough supervision of all operations at the mine; and
 - (c) the carrying on of the undertaking of the mine in conformity with the provisions of this Act, orders made thereunder and regulations.
- (2) Regulations may require the manager of a mine to appoint, for the purpose of supervising, inspecting or conducting at, or in relation to, the mine, such operations or matters as may be prescribed, such officials, engineers or technicians or other

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competent persons as may be prescribed, and regulations made by virtue of this subsection may prescribe the qualifications to be held and the duties to be discharged by the persons thereby required to be appointed.

14 Duty of mine manager to ensure that persons appointed by him understand their duties. N.I.

It shall be the duty of the manager of every mine to ensure to the best of his ability that every person appointed by him in pursuance of the foregoing provisions of this Act or regulations having effect by virtue of any of those provisions understands the nature and scope of any duties which fall to be performed by that person, being either duties imposed by or by virtue of this Act or duties whose performance is undertaken for the purpose of attaining any of the objects mentioned in paragraphs (a) to (c) of section 13(1).

N.I.

PROVISIONS ANCILLARY TO FOREGOING SECTIONS

15 Notification to Ministry of appointments by mine owners. N.I.

Forthwith after the appointment by the owner of a mine of a person to be the manager or an under-manager of the mine, to exercise the powers and perform the duties of manager of the mine during a vacancy in the office, to perform the duties of under-manager of the mine in the event of a sole or last surviving under-manager ceasing to hold office, to exercise daily personal supervision during a period during which the manager or an under-manager is absent or unable to exercise such supervision, or to be the surveyor for the mine, the owner shall give to^[F11] the Executive] notice, in such form as may be specified by^[F11] the Executive], of the making of the appointment and of the name and address of the person appointed and giving such particulars with respect to his qualifications as may be so specified.

F11 SR 1999/150

16 Disqualification of contractors and their employees for appointment as managers, &c., of mines. N.I.

- (1) Where a mine or any part thereof is worked, or any operations in a mine are carried on, by a contractor, and a person is by or by virtue of the foregoing provisions of this Act required to hold qualifications for appointment to any office in the mine mentioned in subsection (2), neither the contractor nor a person employed by him shall be capable of being appointed to that office notwithstanding that, apart from this section, he is qualified for appointment thereto.
- (2) The offices referred to in subsection (1) are those of manager of the mine, under-manager thereof and the office to which duties imposed by virtue of section 12(1) are attached.

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N.I.

PLANS

17 Keeping of plans. **N.I.**

- (1) Provision may be made by regulations for requiring that, in the case of every mine, the manager thereof shall keep at the office at the mine or at such other place as may be approved by^[F12 the Executive]
- (a) accurate plans of—
 - (i) all the workings in the mine (whether abandoned or not) or such of them as may be prescribed; and
 - (ii) all other workings (whether abandoned or not) within the boundaries of the mine or within the prescribed distance outside any boundary of the mine (measured from any point on the boundary in a straight line on any plane) or such of those workings as may be prescribed;
 - (b) accurate sections of the seams or veins for the time being worked in the mine and of all the strata overlying them;

being plans or, as the case may be, sections complying with such requirements as are imposed by or by virtue of subsection (2); and regulations made by virtue of this subsection may require the keeping of separate plans for different seams or veins or for the purpose of showing the system of ventilation in the workings or any other prescribed matter and require that plans be so kept as at any time to disclose the extent of workings delineated thereon both up to a day not earlier than such previous day as may be prescribed and up to a distance from their position at that time not greater than such as may be prescribed.

- (2) Plans and sections required to be kept by virtue of subsection (1) shall be of durable material and be prepared in such form and manner as may be specified by rules made by the Ministry and on a scale not less than such as may be so specified, and any such plans (other than any whereof the main purpose is to show matters other than the extent of workings) shall show the position, in relation to objects on the surface, of the workings delineated on the plans and record such information as may be so specified with respect to orientation, contours, boundaries, faults, workings other than those delineated on the plans and any such other matters (whether similar to the matters aforesaid or not) as may be so specified.
- (3) If, in the case of any mine, an inspector reports to^[F12 the Executive] that it appears to him that any information which, by virtue of the foregoing provisions of this section, is required to be recorded on a plan required to be kept by the manager of the mine cannot be recorded thereon fully and clearly,^[F12 the Executive] may serve on the manager of the mine a notice requiring him to keep at the office at the mine or at such other place as may be approved by^[F12 the Executive] such supplementary plan or drawing specified in the notice as appears to^[F12 the Executive] to be requisite for the purpose of recording that information fully and clearly.
- (4) Regulations may provide—
- (a) for requiring that plans, sections and drawings which by virtue of this section are required to be kept in the case of a mine, or any prescribed class thereof, shall be prepared by, or under the supervision of, the surveyor for the mine;
 - (b) for requiring, with respect to any such plan, section or drawing as aforesaid which has not been prepared by the surveyor for the mine, that the surveyor

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or such other person as may be prescribed shall take the prescribed steps for ensuring the accuracy thereof;

- (c) for imposing upon the surveyor for a mine such duties as may be prescribed with respect to—
- (i) the preservation and production of any prescribed documents, being documents prepared for the purpose of, or in connection with, the preparation or checking of any of the plans, sections and drawings which by virtue of this section are required to be kept in the case of the mine; and
 - (ii) the recording of the identity of the person who prepared any such document.

F12 SR 1999/150

18 **Furnishing of documents and information requisite for preparation of plans.** **N.I.**

- (1) It shall be the duty both of the owner and of the manager of every mine, whether requested so to do or not, to furnish to the surveyor for the mine all such plans, sections, drawings and other documents and information in the possession or under the control of the owner or manager as may be requisite for the purpose of the preparation of any plan, section or drawing which, by virtue of section 17, is required to be kept in the case of that mine and to accord to the surveyor all such facilities as may be requisite for that purpose; and, in particular, but without prejudice to the generality of the foregoing provisions of this subsection, it shall be the duty of the manager of every mine, forthwith after it is determined to cease to maintain a working therein in an accessible condition, to give to the surveyor for the mine notice of that fact, specifying the working in question.
- (2) Each of the following persons, namely, the owner of a mine and the manager thereof, shall, if requested so to do by the owner of another mine, furnish to the owner of that other mine or the surveyor therefor any information in the possession of the person to whom the request is made, and permit the owner of that other mine or the surveyor therefor to inspect and take copies of, or extracts from, any plans, sections, drawings or other documents in the possession or under the control of the said person, being information or, as the case may be, documents requisite for the purpose of the preparation of any plan, section or drawing which, by virtue of section 17, is required to be kept in the case of that other mine.

19 **Faulty plans.** **N.I.**

- (1) If, in the case of any mine, [F13 the Executive] is satisfied that a plan, section or drawing which by virtue of the foregoing provisions of this Act is kept by the manager of that mine is inaccurate, incomplete, dilapidated or wholly or partly indecipherable and that, in the interests of safety, it is desirable for a new plan, section or drawing to be made, [F13 the Executive] may appoint a surveyor to make a new plan, section or drawing.
- (2) The following provisions shall have effect where a surveyor is appointed under subsection (1) to make a new plan, section or drawing in the case of a mine:—

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- (a) the owner and the manager of the mine shall afford to the surveyor all necessary facilities and information for the purpose of making the new plan, section or drawing;
- (b) on the completion of the new plan, section or drawing, it shall be sent to the manager of the mine; and
- (c) the cost of making the new plan, section or drawing, or such part of that cost as^{F13} the Executive] thinks fit, shall be recoverable by^{F13} the Executive] from the owner of the mine summarily as a debt.

F13 SR 1999/150

20 Transmission to Ministry, and preservation, of plans of abandoned or disused mines, seams and veins. N.I.

- (1) Provision may be made by regulations—
 - (a) for requiring that—
 - (i) in the event of the abandonment of a mine or of the expiration of the period of twelve months from the time at which a mine was last worked for the purpose of getting minerals or products of minerals, the person who is the owner of the mine at the time of the happening of that event shall, within the prescribed period thereafter, send to^{F14} the Executive] such plans of the workings in the mine at that time (being plans complying with such requirements as are imposed by or by virtue of subsection (2)), and such drawings supplementary to the plans, as may be prescribed and such sections of the seams or veins worked in the mine and of the strata overlying them (being sections complying with such requirements as aforesaid) as may be prescribed;
 - (ii) in the event of the abandonment of a seam or vein in a mine or the expiration of the period of twelve months from the time at which a seam or vein in a mine was last worked for the purpose of getting minerals or products of minerals, the person who is the owner of the mine at the time of the happening of that event shall, within the prescribed period thereafter, send to^{F14} the Executive] such plans of the workings in that seam or vein at that time (being plans complying with such requirements as are imposed by or by virtue of subsection (2)), and such drawings supplementary to the plans, as may be prescribed and such sections of that seam or vein and of the strata overlying it (being sections complying with such requirements as aforesaid) as may be prescribed;
 - (b) for imposing, with respect to plans, drawings and sections sent to^{F14} the Executive] in pursuance of such provisions of the regulations as have effect by virtue of paragraph (a), such requirements (whether with respect to the persons by whom they are to be prepared, the giving of certificates with respect thereto or otherwise) as it may appear to the Ministry requisite or expedient to impose for the purpose of ensuring the accuracy thereof.
- (2) Plans and sections required, by virtue of provisions of regulations having effect by virtue of subsection (1), to be sent to^{F14} the Executive] shall be of durable material and be prepared in such form and manner as may be specified by rules made by the Ministry and on a scale not less than such as may be so specified, and any such plans shall show the position, in relation to objects on the surface, of the workings

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delineated on the plans and record such information as may be so specified with respect to orientation, contours, boundaries, faults, workings other than those delineated on the plans and any such other matters (whether similar to the matters aforesaid or not) as may be so specified.

- (3) If^{F14} the Executive] is satisfied—
- (a) that there has occurred, in the case of a mine, a contravention of provisions of regulations having effect by virtue of sub-paragraph (i) or (ii) of subsection (1) (a) consisting of a failure to send a plan, drawing or section to^{F14} the Executive] within the period limited by those provisions or that, in the case of a mine, a plan, drawing or section sent to^{F14} the Executive] in pursuance of those provisions is inaccurate, incomplete, dilapidated or wholly or partly indecipherable; and
 - (b) that, in the interests of safety, it is desirable for a new plan, drawing or section to be made;

^{F14}the Executive] may, within six months from the expiration of that period, appoint a surveyor to make a new plan, drawing or section, and the cost of making the new plan, drawing or section, or such part of that cost as^{F14} the Executive] thinks fit, shall be recoverable by^{F14} the Executive] from the person who was the owner of the mine at the time of the happening of the event in consequence of the happening of which the said provisions fell to be complied with.

- (4) Subject to the provisions of subsections (5) to (7), plans, drawings and sections sent to^{F14} the Executive] in pursuance of provisions of regulations having effect by virtue of subsection (1)(a)(i) or (ii) or made by a surveyor appointed under subsection (3) shall be preserved by^{F14} the Executive] or by some other person under arrangements made or approved by^{F14} the Executive].
- (5) Arrangements under subsection (4) for the preservation by some person other than^{F14} the Executive] of plans, drawings and sections sent by the owner of a mine to^{F14} the Executive] as therein mentioned shall not be made otherwise than with the agreement of the person who is the owner of the mine at the time when the arrangements are made.
- (6) No person except an inspector shall be entitled, without the consent of the owner for the time being of the mine, or a licence of^{F14} the Executive], to see the plans, drawings or sections whilst preserved under arrangements made or approved as aforesaid until after the expiration of ten years from the time of the abandonment, but such a licence shall not be granted unless^{F14} the Executive] is satisfied that the inspection of the plans, drawings or sections is necessary in the interests of safety.
- (7) Where, at the time at which the working of a mine or a seam or vein therein is resumed, any plans, drawings or sections relating thereto are, by virtue of subsection (4), preserved by^{F14} the Executive] or by some other person (not being the owner of the mine), the owner shall, on giving not less than fourteen days notice to the person by whom the plans, drawings or sections are preserved and (where that person is not^{F14} the Executive]) to^{F14} the Executive], be entitled to have delivered to him the plans, drawings or sections subject to affording to^{F14} the Executive], if required so to do before the expiration of the notice, a reasonable opportunity of making copies of the plans, drawings or sections or of such part thereof as^{F14} the Executive] thinks fit.

F14 SR 1999/150

S.21 rep. by SR 1980/333

Status: Point in time view as at 01/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

PART III **N.I.**

SAFETY, HEALTH AND WELFARE

N.I.

PROVISIONS FOR SECURING SAFE INGRESS AND EGRESS

Ss. 22-25 rep. by SR 1998/375

Ss. 26, 27 rep. by SR 1980/333

28 Provision of winding and haulage apparatus. **N.I.**

- (1) Every shaft and unwalkable outlet for the time being provided at a mine of coal, stratified ironstone, shale or fireclay for affording to persons employed below ground therein means of ingress and egress shall be provided with apparatus for carrying persons between the top of the shaft and the entrances therefrom to the workings and between those entrances themselves or, as the case may be, for carrying persons between the surface entrance to the outlet and the entrances therefrom to the workings and between those entrances themselves, being apparatus which complies with such requirements, if any, of regulations as it appears to the Ministry requisite or expedient to impose for securing the safety of persons when being carried by means thereof and whose use is confined to the shaft or outlet, save where^[F15] the Executive] in any particular case, by notice served on the manager of the mine, consents to its use not being so confined.
- (2) Every shaft and unwalkable outlet for the time being provided at a mine other than of coal, stratified ironstone, shale or fireclay for affording to persons employed below ground therein means of ingress and egress, being a shaft or outlet in the case of which the relevant distance exceeds^[F16] 45 metres], shall be provided with apparatus for carrying persons between the top of the shaft and the entrances therefrom to the workings and between those entrances themselves or, as the case may be, for carrying persons between the surface entrance to the outlet and the entrances therefrom to the workings and between those entrances themselves, being apparatus which complies with such requirements, if any, of regulations as it appears to the Ministry requisite or expedient to impose for securing the safety of persons when being carried by means thereof, and whose use is confined to the shaft or outlet, save where^[F15] the Executive] in any particular case, by notice served on the manager of the mine, consents to its use not being so confined; but^[F15] the Executive] may by notice served on the manager of any such mine as is mentioned in the foregoing provisions of this subsection exempt from those provisions a shaft or outlet provided at that mine.

For the purposes of this subsection the expression “relevant distance” means, in the case of a shaft, the distance between the top of the shaft and the bottom of the lowest entrance to the shaft provided for affording to persons access to the shaft and, in the case of an outlet, the distance between the point at which the outlet reaches the surface and the underground entrance provided for affording to persons access to the outlet which is furthest from that point.

- (3) All apparatus provided in pursuance of this section shall be properly maintained and, when not in use, kept constantly available for use.

Status: Point in time view as at 01/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

F15 SR 1999/150

F16 SR 1991/239

S.29 rep. by SR 1980/333

N.I.

SAFETY PRECAUTIONS IN CONNECTION WITH SHAFTS,
&C., AND ENTRANCES TO DISUSED WORKINGS

30 Securing of shafts and staple-pits. N.I.

- (1) Every mine shaft and staple-pit shall, save in so far as the natural conditions of the strata through which it passes render it unnecessary (either as to the whole or as to any part thereof) so to make it, be made secure, and shall be kept secure.
- (2) In any prosecution for a contravention of subsection (1) with respect to a shaft or staple-pit, it shall be a defence to prove that at the time of the alleged contravention no insecure part of that shaft or staple-pit was in use or was the site of any operations in progress by way of driving or extending the shaft or staple-pit.
- (3) Subsection (1) shall apply to unwalkable outlets at a mine as it applies to mine shafts.

31 Safety precautions with respect to entrances to shafts, staple-pits and outlets. N.I.

- (1) The surface entrance to every mine shaft and every other entrance thereto (whether above or below ground), and every entrance to every staple-pit, shall be provided with an efficient enclosure or barrier so designed and constructed as to prevent any person from accidentally falling down the shaft or staple-pit or accidentally coming into contact with a moving part of any winding apparatus with which the shaft or staple-pit is provided.
- (2) Every enclosure or barrier provided in pursuance of subsection (1) shall be properly maintained and, where an enclosure or barrier so provided or any part thereof is removable or openable, the enclosure, barrier or part shall be kept securely in position or, as the case may be, securely closed save in so far as its removal or opening is necessary for the purpose of the use of the shaft or staple-pit in connection with which it is provided, the doing of work in the shaft or staple-pit or the inspection of, or of anything in, the shaft or staple-pit.

Subs.(3) rep. by SR 1980/333

- (4) For the purposes of this section so much of any superstructure provided at the top of a shaft as forms an extension thereof shall be deemed to form part of the shaft.
- (5) This section shall not apply to a shaft or outlet of, or staple-pit in, an abandoned mine or a mine which has not been worked for a period of twelve months, but, save as aforesaid, shall apply as well to shafts, outlets and staple-pits which are not in use as to shafts, outlets and staple-pits which are in use.

S.32 rep. by SR 1980/333

Status: Point in time view as at 01/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

Ss. 33-35 rep. by SR 1998/375

36 Prohibition of use of vehicles and conveyors in roads not affording free movement. N.I.

- (1) The manager of a mine—
- (a) shall not permit vehicles to run in any road therein unless neither the vehicles nor their loads, nor (if the vehicles run as part of rope haulage apparatus) the ropes to which they are attached, rub against the roof or sides of the road, anything supporting the roof and sides of the road or either of them or anything in the road not provided for the purpose of controlling the vehicles or (in the case of vehicles which run as part of rope haulage apparatus) the ropes to which they are attached;
 - (b) shall not permit a conveyor to be operated in any road therein unless neither the conveyor nor its load rubs against the roof or sides of the road, anything supporting the roof and sides of the road or either of them or anything in the road.
- (2) In any prosecution for a contravention of this section with respect to the running of vehicles or the operation of a conveyor in a road in a mine on any occasion, it shall be a defence to prove either—
- (a) that the sole purpose for which the vehicles were being run or the conveyor was being operated on that occasion was to facilitate the carrying out to the road of repairs the purpose of the carrying out whereof was to enable the manager of the mine, without contravention of this section, to permit vehicles to run or a conveyor to be operated in that road; or
 - (b) that—
 - (i) the fact that rubbing occurred on that occasion was due to a sudden decrease of the height or width of the road which it was impracticable to prevent; and
 - (ii) there was no reasonable ground for apprehending that the running of the vehicles or the operation of the conveyor, as the case may be, on that occasion would result in bodily injury to persons using the road; and
 - (iii) no avoidable delay was incurred in taking the steps necessary to complete the carrying out to the road, at the place where rubbing occurred, of such repairs as aforesaid.

37 Transport rules. N.I.

- (1) The manager of every mine shall have power to make rules (hereafter in this Act referred to as “transport rules”) with respect to the use of vehicles and conveyors in the mine and the conditions under which they may be so used and generally for securing the safe operation in the mine of vehicles and conveyors and the avoidance of bodily injury being caused to persons by reason of the running thereof, and in particular, but without prejudice to the generality of the foregoing words,—
- (a) specifying a standard height and width with respect to each length of road in the mine in which vehicles run or conveyors are operated;
 - (b) specifying the maximum loads (by reference to weight, dimensions, number or other criterion) that may be carried in vehicles in any length of road in the mine and the maximum number of vehicles (according as to whether they are

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- loaded or unloaded) that may be coupled together to run as a set or train in any length of road in the mine;
- (c) specifying the maximum speeds at which vehicles may run in any length of road in the mine; and
- (d) prohibiting the conveyance in roads in the mine of persons in vehicles or on conveyors except in such circumstances and in accordance with such conditions, if any, as may be specified in the rules and specifying precautions to be observed when persons are so conveyed.
- (2) The exercise by the manager of a mine of the power conferred by subsection (1) shall be obligatory for the purpose mentioned in paragraph (a) of that subsection and also for the purposes mentioned in paragraphs (b) to (d) thereof save in so far as an exercise of that power for those purposes could, having regard to the circumstances of the mine, serve no object, and regulations may render an exercise of that power obligatory for any other purpose for which it may be exercised.
- (3) The power conferred by subsection (1) to specify by transport rules standard heights and widths with respect to lengths of road may, as respects any particular length of road, be so exercised as either to specify a standard height and width to be applicable without exception throughout that length of road or to specify a standard height and width to be applicable throughout that length of road but subject to exceptions (as regards height or width, or both) for such places therein as may be specified in the rules.
- (4) Transport rules having effect with respect to a mine may impose duties and prohibitions on persons employed thereat and, without prejudice to the generality of section 17(5) of the Interpretation Act (Northern Ireland) 1954, may make different provision with respect to different roads or classes of roads, different lengths of road or lengths of road of different classes and different classes of vehicles, conveyors and loads.
- (5) It shall be the duty of the manager of every mine—
- (a) so to frame such of the provisions of transport rules as have effect by virtue of paragraph (a) of subsection (1) as to secure that, as regards any length of road in the mine to which the provisions relate, the specified standard width is not less than such as is sufficient to permit of the provision of such amount of space as may be calculated to secure the safety of persons who work in or pass through that length of road while vehicles are running or conveyors are being operated therein; and
- (b) so to frame such of the provisions of transport rules as have effect by virtue of paragraph (b) or (c) of that subsection as to secure that each maximum thereby specified is such as will, in his opinion, afford a reasonable margin of safety.
- (6) It shall be the duty of the manager of every mine—
- (a) to take, with respect to every length of road therein with respect to which a standard height and width is specified by provisions of transport rules having effect by virtue of paragraph (a) of subsection (1), such steps as are appropriate for securing that the height and width of that length of road throughout are at all times not less than the standard height and width so specified, save, so far as regards any such place therein as is specified in the rules by virtue of subsection (3), in so far as that height and width are, or either of them is, by virtue of that subsection, inapplicable;

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- (b) to secure that all other provisions of transport rules relating to the mine are executed and enforced.
- (7) A transport rule which is inconsistent with the provisions of any regulations shall, to the extent of the inconsistency, be of no effect.
- (8) If an inspector reports to^{F17} the Executive] that he is of opinion with respect to a mine that provision ought to be made by transport rules having effect with respect to the mine for any matter for which provision is not for the time being made by such rules or that different provision ought to be made by such rules for any matter for which provision is for the time being made by such rules,^{F17} the Executive] may serve on the manager of the mine a notice specifying the matter for which provision or, as the case may be, different provision ought to be made as aforesaid and the nature of the provision that ought to be made, and requiring the manager, before the expiration of such period beginning with the day on which the notice becomes operative as may be specified therein, to exercise the power conferred on him by subsection (1) in accordance with the tenor of the notice.
- The provisions of Part XIII with respect to references upon notices served by^{F17} the Executive] shall apply to a notice served under this subsection.
- (9) A copy of all transport rules for the time being in force with respect to a mine shall be kept at the office at the mine or at such other place as may be approved by^{F17} the Executive], and notices containing a summary of so much of any such rules as affect any person shall be kept posted at suitable places in the mine in such characters and in such positions as to be easily seen and read by him.
- (10) A document purporting to be certified by the manager of a mine to be a true copy of any transport rules for the time being in force with respect to the mine shall be receivable in evidence and shall, unless the contrary is proved, be deemed to be such a copy.

F17 SR 1999/150

S.38 rep by SR 1980/333

39 Provisions for securing safety of foot-passengers in transport roads. N.I.

- (1) The following provisions shall have effect with respect to every length of road in a mine, being a length in which run vehicles moved otherwise than by hand (whether or not vehicles moved by that means also run therein):—
- (a) during any period during which vehicles are moving in that length of road otherwise than by that means, no person employed at the mine (other than an authorised person) shall, except in accordance with the provisions of regulations in that behalf, pass on foot along that length of road or any part thereof unless the movement of vehicles in that length of road, other than vehicles moved by that means, is specially stopped for the purpose of allowing him to do so;
- (b) if that length of road is used at the beginning or end, or at the beginning and end, of a shift by not less than ten persons for the purpose of walking to or from their working places in the mine, it shall be the duty of the manager of the mine to fix a period or periods for the purpose of enabling them to do so in safety, and no person shall cause or permit a vehicle (whether loaded or not)

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to move, otherwise than by that means, in that length of road during a period fixed in pursuance of the foregoing provisions of this paragraph;

but—

- (i) ...^{F18}[^{F19} the Executive] may, by notice served on the manager of a particular mine, exempt from the provisions of either or both of those paragraphs any such length of road as aforesaid in that mine; and
 - (ii) in any prosecution instituted in respect of a person's passing along a length of road or part thereof in contravention of paragraph (a), it shall be a defence to prove that that person had reasonable cause to believe that it might be necessary for repairs to be carried out forthwith in that length of road and was so passing for the purpose of verifying his belief and of ascertaining the nature or extent of the repairs which he believed it might be necessary to carry out.
- (2) Except with the written permission of the manager of a mine, no person shall, otherwise than in such circumstances and in accordance with such conditions, if any, as may be specified in transport rules having effect with respect to the mine, accompany on foot below ground in the mine a vehicle which is moving as part of any rope haulage apparatus.
 - (3) For the purposes of paragraph (a) of subsection (1) the expression “authorised person” means, in relation to a length of road in a mine,—
 - (a) an official of the mine;
 - (b) a person employed in connection with the running of vehicles in that length of road;
 - (c) a person engaged in or in connection with, the carrying out in that length of road of repairs which it is necessary to carry out forthwith; or
 - (d) a person engaged in carrying out, by virtue of the provisions of this Act relating to workmen's inspections or of any such agreement as is mentioned in those provisions, an inspection at the mine.

F18 SR 1980/333

F19 SR 1999/150

40 Provision of refuge holes. N.I.

- (1) Subject to any exceptions for which provision may be made by regulations, the manager of a mine shall not permit vehicles (not being vehicles moved by hand) to run in any length of road in the mine unless there are provided in that length of road (except in so much, if any, of it as is within^{F20} 23 metres] of a working face served by it), at intervals not greater than such as may be prescribed and in the prescribed positions, refuge holes each of which is of such dimensions as may be prescribed and complies with such other requirements as may be prescribed.
- (2) Every refuge hole for the time being provided in a length of road in a mine for the purpose of enabling the manager of the mine, without contravention of subsection (1), to permit vehicles to run in that length of road shall be kept free from obstruction.
- (3) In this section the expression “working face” does not include a place in a road at which ripping or work of repair is in progress.

F20 SR 1991/239

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Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

41 Safety measures relating to use of vehicles. **N.I.**

- (1) So long as vehicles are used in a mine, there shall be provided, maintained and used, either in the mine or on the vehicles or both in the mine and on the vehicles, such safety devices as are necessary to prevent the occurrence of accidents likely to cause bodily injury to persons, being accidents caused by vehicles so used running away; and every device provided in pursuance of this subsection shall be of a kind designed to assume automatically the position in which it operates for the purpose for which it is designed, save in a case where there is good reason for not providing a device of that kind.
- (2) In addition to the provision, in pursuance of subsection (1), of such safety devices as are therein mentioned, there shall be taken, as respects a person who, otherwise than as a matter of routine, is at work at a place in a mine through which vehicles are running or are accustomed to run, such steps as are necessary to protect him from bodily injury in the event of a vehicle's running away while he is at work at that place.

N.I.

PROVISIONS FOR SECURING SAFE OPERATION OF WINDING AND ROPE HAULAGE APPARATUS AND CONVEYORS

42 Charge of winding and rope haulage apparatus when persons are carried. **N.I.**

- (1) No mechanically or gravity operated winding apparatus with which a mine shaft or staple-pit is provided and no mechanically or gravity operated rope haulage apparatus at a mine shall be operated on any occasion when persons are carried by means thereof except by a competent^{F21} . . . person who has attained the age of twenty-two years appointed by the manager of the mine to operate it on such an occasion; and accordingly it shall be the duty of the manager of every mine to appoint such number, if any, of competent^{F21} . . . persons as may be sufficient to secure compliance with the foregoing provisions of this subsection.
- (2) It shall be the duty of the manager of every mine to and from which persons gain ingress and egress by being carried through a shaft or unwalkable outlet by means of mechanically or gravity operated winding or rope haulage apparatus, or in which persons gain access to a part thereof by being carried through a staple-pit by means of mechanically or gravity operated winding apparatus, to make, and to secure the efficient carrying out of, arrangements whereby, so long as any person is below ground in the mine who it is intended should come out through that shaft, outlet or staple-pit, a person appointed under this section is in attendance at the mine for the purpose of operating the apparatus aforesaid provided for carrying persons through that shaft or outlet or, as the case may be, that staple-pit.
- (3) [^{F22}the Executive] may serve on the manager of a mine a notice requiring him to secure that, at such times as may be specified in the notice, a person who, in pursuance of arrangements made under subsection (2), is in attendance at the mine is not charged with the duty of operating more than one set of mechanically or gravity operated winding or rope haulage apparatus.
- (4) . . .^{F23}, no person appointed under this section shall be employed at a mine of coal, stratified ironstone, shale or fireclay for more than eight hours in any day on which his duties consist of, or include, the operation, when persons are carried by means

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thereof, of mechanically or gravity operated winding apparatus with which a shaft is provided, ...^{F23}.

F21 1990 NI 2
F22 SR 1999/150
F23 SR 1980/333

43 Charge of winding and rope haulage apparatus when persons are not carried. N.I.

- (1) No mechanically or gravity operated winding apparatus with which a mine shaft or staple-pit is provided shall be operated on an occasion when no persons are carried by means thereof except by, or under the constant supervision of, a competent^{F24} . . . person who has attained the age of twenty-one years.
- (2) No mechanically or gravity operated rope haulage apparatus at a mine shall be operated on any such occasion as aforesaid except by, or under the constant supervision of, a competent^{F24} . . . person who has attained the age of eighteen years.

F24 1990 NI 2

44 Charge of conveyors at working faces. N.I.

No conveyor shall be operated along a working face in a mine except by, or under the constant supervision of, a competent^{F25} . . . person who has attained the age of eighteen years.

F25 1990 NI 2

45 Signalling in shafts and outlets. N.I.

- (1) There shall be provided and maintained—
 - (a) in connection with every mine shaft provided with winding apparatus, being a shaft in the case of which the distance between the highest and lowest entrances thereto for the time being in use exceeds^{F26} 15 metres], effective means of transmitting audible and visible signals from each entrance to the shaft for the time being in use to the place at which the winding apparatus is operated;
 - (b) in connection with every unwalkable outlet at a mine, being an outlet which is provided with rope haulage apparatus and in the case of which the distance between the terminal surface entrance thereto and the terminal underground entrance thereto exceeds^{F26} 15 metres], effective means of transmitting audible and visible signals from each entrance to the outlet for the time being in use to the place at which the haulage apparatus is operated;

...
^{F27}*Subs.(2) rep. by SR 1980/333*

- (3) For the purposes of this section—
 - (a) so much of any superstructure provided at the top of a mine shaft as forms an extension thereof shall be deemed to form part of the shaft, and so much of a

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line of rails running through an outlet as lies between the point at which the outlet reaches the surface and the surface terminus of the line shall be deemed to form part of the outlet;

- (b) the expression “entrance”, in relation to an outlet, includes any place at which vehicles stop for the purpose of loading or unloading; and
- (c) the expressions “terminal surface entrance” and “terminal underground entrance”, in relation to an outlet, mean, respectively, the surface entrance thereto or, if there is more than one, that one for the time being in use which is furthest from the point at which the outlet reaches the surface and the underground entrance thereto for the time being in use which is furthest from that point.

F26 SR 1991/239

F27 SR 1980/333

46 Signalling in roads. **N.I.**

Where rope haulage apparatus or a conveyor is installed in a road in a mine or is so installed at a mine as to permit of its operation in a road therein, then, if the length of the part of that road through which vehicles can move as part of that apparatus or, as the case may be, through which loads can be carried by means of that conveyor, exceeds^{F28} 25 metres], there shall be provided and maintained effective means of transmitting signals from every point throughout that part of that road, to the place at which the apparatus or, as the case may be, the conveyor is operated.

F28 SR 1991/239

S.47 rep. by SR 1980/333

N.I.

SUPPORT

48 Duty to secure safety of roads and working places. **N.I.**

- (1) It shall be the duty of the manager of every mine to take, with respect to every road and working place in the mine, such steps by way of controlling movement of the strata in the mine and supporting the roof and sides of the road or working place as may be necessary for keeping the road or working place secure; but nothing in this subsection shall require the taking of such steps as aforesaid with respect to a road or part of a road which is, or is comprised in, a part of the mine every entrance to which is for the time being provided, in pursuance of^{F29} regulation 8 of the Mines (Safety of Exit) Regulations (Northern Ireland) 1998], with such an enclosure or barrier as is therein mentioned.
- (2) It shall be the duty of the manager of every mine to take such steps as may be necessary for securing that he is at all material times in possession of all information relevant for determining the nature and extent of any steps which it is requisite for him to take in order to discharge efficiently the duty imposed on him by subsection (1).

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Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

F29 SR 1998/375

49 Systematic support in coal, shale and fireclay mines. N.I.

- (1) Subject to the provisions of this section, in every mine of coal, shale or fireclay there shall be provided and maintained systematic support for the roof and sides of—
- (a) every place where any mineral is worked;
 - (b) every roadhead;
 - (c) every junction of two or more lengths of road through any one of which vehicles or a conveyor run or runs; and
 - (d) every length of road in which persons work otherwise than occasionally or for short periods.

Subs.(2)(3) rep. by SR 1980/333

- (4) Regulations may provide for exempting from the foregoing provisions of this section any prescribed class of mines of coal, shale or fireclay or any prescribed classes of places where mineral is worked, roadheads, junctions or lengths of road in such mines or any class thereof, and^[F30] the Executive] may, by notice served on the manager of a particular mine of coal, shale or fireclay, exempt from those provisions that mine or any such place as aforesaid, roadhead, junction or length of road therein.
- (5) For the purposes of this section references to provision and maintenance of systematic support shall, as respects any mine, be construed as references to provision and maintenance of support in accordance with a system specified in rules to be made by the manager of the mine, being a system consistent with the proper control of movement of the strata in the mine.
- (6) Nothing in this section shall be construed as preventing a workman in a mine of coal, shale or fireclay from setting in his working place, in addition to supports set therein in pursuance of a requirement imposed by or by virtue of this section, any support which he has reason to believe it is necessary to set therein for the purpose of securing the safety of himself or another.

F30 SR 1999/150

S.50 rep. by SR 1980/333

51 Supply of materials for support. N.I.

- (1) ...^{F31}, no materials shall be used for the support of the roof or sides of any place in a mine other than materials provided by the owner of the mine.

Subs. (2) rep. by 1988 NI 7

- (3) It shall be the duty of the manager of every mine to secure that a sufficient supply of suitable materials for support is at all times readily available, for use at the place where he is actually working, to a workman who needs them, and—
- (a) where a sufficient supply of such materials is not readily available, for use at the place where he is actually working, to a workman who needs them, he shall withdraw to a place of safety and forthwith report to an official of the mine that, by reason of the premises, he has done so; and

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Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

- (b) where it appears to the person for the time being in charge of a part of a mine that such a supply is not available as aforesaid to a workman employed in that part of the mine, the said person shall cause the workman to withdraw as aforesaid;

and where, on any occasion, a workman has, in pursuance of paragraph (a) or (b), withdrawn from the place where he was actually working, the person for the time being in charge of the part of the mine in which that place is situate shall not permit the workman to return to it thereafter until that person is satisfied that such a supply of materials as aforesaid will be readily available, for use at that place, to that workman when he needs them.

F31 SR 1980/333

52 **Withdrawal of support.** **N.I.**

- (1) No person shall withdraw support from the roof or sides of any place in a mine otherwise than by a method or device by which he does so from a position of safety.
- (2) Where it is part of the system of work at a place in a mine to withdraw from the waste or from under the roof adjoining the waste support provided in compliance with a requirement to provide it imposed by or by virtue of section 49 or 50, no person shall, at that place, otherwise than in accordance with a system specified in rules to be made by the manager of the mine, withdraw as aforesaid support so provided.

53 **Duties of deputies in relation to support.** **N.I.**

It shall be the duty of every person employed at a mine who is appointed for the purpose of fulfilling any requirements imposed with respect to the mine by virtue of section 12(1)(a) to ensure to the best of his ability that all such rules made under or by virtue of any of the foregoing provisions of this Act relating to support as have effect with respect to the mine are executed and enforced and that there are duly set any supports which appear to him to be necessary in addition to those set in pursuance of the requirements imposed by or by virtue of the said provisions.

54 **Provisions as to support rules.** **N.I.**

- (1) Rules made under or by virtue of any of the foregoing provisions of this Act relating to support are hereafter in this Act referred to as “support rules” .
- (2) Support rules with respect to a mine shall comply with such requirements with respect to the form thereof and the matters to be specified therein as may be prescribed, and may impose upon persons employed at the mine such duties and prohibitions as it appears to the manager of the mine requisite or expedient to impose on them for securing compliance with any requirement imposed by or by virtue of the foregoing provisions of this Part relating to support.
- (3) If, with respect to any support rules for the time being in force with respect to a mine, an inspector reports to^{F32} the Executive] that he is of opinion that the rules require modification in any particular,^{F32} the Executive] may serve on the manager of the mine a notice specifying the rules and the particular in which they require modification and the nature of the modification that ought to be made, and requiring the manager, before the expiration of such period beginning with the date on which the notice becomes

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operative as may be specified therein, to modify the rules in accordance with the tenor of the notice.

The provisions of Part XIII with respect to references upon notices served by^{F32} the Executive] shall apply to a notice served under this subsection.

- (4) A support rule which is inconsistent with the provisions of any regulation shall, to the extent of the inconsistency, be of no effect.
- (5) A copy of all support rules for the time being in force with respect to a mine shall be kept at the office at the mine or at such other place as may be approved by^{F32} the Executive] and where, by virtue of paragraph (d) of subsection (1) of section 12, districts are delimited in a mine for the purpose of the discharge of their duties by persons appointed for the purpose of fulfilling the requirements imposed with respect to the mine by virtue of paragraph (a) of that subsection, a copy of so much of the said rules as relates to each district shall be supplied by the manager of the mine to the person so appointed who is in charge of the district and shall be kept posted at the entrance to the district in such characters and in such a position as to be easily seen and read by the persons employed in the district.
- (6) It shall be the duty of the manager of every mine with respect to which support rules are for the time being in force to supply to every person employed at the mine whose duties consist of, or include, the setting of supports in accordance with a system specified in the rules, a document explaining either verbally or diagrammatically, or partly in the one way and partly in the other the effect of the rules so far as they concern him.
- (7) A document purporting to be certified by the manager of a mine to be a true copy of any support rules for the time being in force with respect to the mine shall be receivable in evidence and shall, unless the contrary is proved, be deemed to be such a copy.

F32 SR 1999/150

N.I.

VENTILATION

55 Duty to provide adequate ventilation. **N.I.**

- (1) It shall be the duty of the manager of every mine to take such steps as are necessary for securing that there is constantly produced in all parts of the mine below ground ventilation adequate for the following purposes, namely,—
 - (a) diluting gases that are inflammable or noxious so as to render them harmless and removing them; and
 - (b) providing air containing a sufficiency of oxygen.
- (2) Without prejudice to the general application of subsection (1),—
 - (a) ventilation produced in a part of a mine shall be deemed for the purposes of that subsection not to be adequate for the purpose of diluting carbon dioxide so as to render it harmless unless the amount thereof in the general body of the air in that part of the mine is not more than one and a quarter per cent. by volume or, if a smaller percentage by volume is prescribed, that smaller percentage;

Status: Point in time view as at 01/04/2012.

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- (b) ventilation produced in a part of a mine shall be deemed for the purposes of that subsection not to be adequate for the purpose of providing air containing a sufficiency of oxygen unless the amount of oxygen in the general body of the air in that part of the mine is not less than nineteen per cent. by volume;

...

- ^{F33}(3) In the discharge of the duty imposed on him by subsection (1), the manager of a mine shall have regard to the desirability of securing (consistently with the discharge of that duty) the maintenance in the mine of working conditions that are reasonable so far as regards the temperature and humidity of the atmosphere and the amount of dust therein.
- (4) Nothing in subsection (1) shall be construed as requiring the production of ventilation—
- (a) in a part of a mine which is stopped off in a prescribed manner or in such other manner as may be approved by^{F34} the Executive] by notice served on the manager of the mine or is stowed up;
 - (b) in any waste; or
 - (c) in any such other part of a mine as may be prescribed.
- (5) Where, in any part of a mine required by the foregoing provisions of this section to be ventilated, the ventilation is interrupted or ceases to be adequate for the purposes mentioned in subsection (1), it shall be the duty of the manager of the mine to secure that, until the ventilation is restored, access to that part of the mine is so restricted as to prevent from entering it any person not authorised to do so and no person is permitted to remain in or pass through it except for the purpose of restoring the ventilation or in a case of emergency.

F33 SR 1980/333

F34 SR 1999/150

56 Avoidance of danger from gas in waste. **N.I.**

- (1) This section applies to waste other than—
- (a) waste which is—
 - (i) stopped off in a prescribed manner or in such other manner as may be approved by^{F35} the Executive] by notice served on the manager of the mine in which it is contained; or
 - (ii) stowed up; or
 - (b) waste, other than as aforesaid, with respect to which it is known that there is therein—
 - (i) no inflammable gas; and
 - (ii) either no noxious gas or no noxious gas in a dangerous concentration.
- (2) It shall be the duty of the manager of every mine which contains any waste to which this section applies to secure either—
- (a) that there is constantly produced in that waste ventilation adequate for the purposes mentioned in section 55(1); or
 - (b) that appropriate steps are taken for the purpose of minimising dangerous emissions from that waste of inflammable or noxious gas.

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- (3) Subsection (2) of section 55 shall, with any requisite modifications, apply for the purposes of subsection (2)(a) as it applies for the purposes of subsection (1) of that section.

F35 SR 1999/150

S.57 rep. by SR 1980/333

58 Provisions as to means of ventilation. **N.I.**

- (1) Unless, in all parts of a mine that are required by section 55 to be ventilated, ventilation adequate for the purposes specified in subsection (1) of that section is provided wholly by natural means, there shall be provided and maintained on the surface of the mine mechanically operated apparatus capable of producing in all those parts of the mine an amount of ventilation sufficient (apart from any ventilation produced by any mechanically operated apparatus below ground) to enable all the persons who are below ground in the mine at any one time to leave it safely; and any apparatus provided in pursuance of this subsection shall, if it is not normally used to produce ventilation, be used once at least in each week and be kept constantly available for use.
- (2) Where (whether in pursuance of subsection (1) or not) there is provided on the surface of a mine of coal mechanically operated apparatus for producing ventilation below ground in the mine, then, unless that apparatus is so designed or adapted, and is so installed, as to permit of its operation both by way of forcing air into, and by way of exhausting air from, the mine, there shall be provided in association with that apparatus, maintained and kept constantly available for use, adequate means for reversing the direction of flow of the ventilation produced by that apparatus.
- (3) Subject to subsection (4), regulations may—
- exempt any prescribed class of mines from the provisions of subsection (1);
 - exempt any prescribed class of mines of coal from the provisions of subsection (2);

and^{F36} the Executive] may, by notice served on the manager of a particular mine other than of coal, exempt the mine from the provisions of subsection (1) and may, by notice served on the manager of a particular mine of coal, exempt the mine from the provisions of either or both of those subsections.

- (4) No exemption shall be granted by regulations made by virtue of subsection (3) unless the Ministry is satisfied that no persons employed in mines of the class to which the regulations apply will be exposed to undue risk in consequence of the granting of the exemption; and no exemption shall be granted under that subsection by^{F36} the Executive] in the case of a particular mine unless an inspector reports to^{F36} the Executive] that he is satisfied that no persons employed in that mine will be exposed to undue risk in consequence of the granting of the exemption.
- (5) It shall not be lawful to use a fire for ventilation in a mine or, except with the consent of^{F36} the Executive], given by notice served on the manager of the mine, to release in a mine compressed air for the purpose thereby of diluting or removing inflammable or noxious gas.

F36 SR 1999/150

Status: Point in time view as at 01/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

59 Prevention of leakage of air between airways. **N.I.**

- (1) Where, of any two lengths of different passages in a mine of coal, stratified ironstone, shale or fireclay, one is made after the commencement of this Act (whatever the date of the making of, or of any part of, the other), then, unless there is (without any steps being taken for the purpose of minimising the leakage of air between them) no, or no appreciable, leakage of air between them, it shall not be lawful to use one as, or as part of, an intake airway and the other as, or as part of, a return airway unless such steps are taken as are necessary for the purpose of minimising the leakage of air between them.
- (2) Nothing in subsection (1) shall render unlawful the use as, or as part of, an airway of so much of any passage in a mine as lies within the relevant distance from a working face to which air is supplied or from which air is drawn off through that airway.
- (3) For the purposes of subsection (2)—
 - (a) the expression “relevant distance” means, in relation to a working face in a mine,^{F37} 150 metres] (measured from any point on that face in a straight line on any plane) or such other distance, so measured (whether greater or less than four hundred and fifty feet), as may, in any particular case, be determined by^{F38} the Executive] by notice served on the manager of the mine; and
 - (b) the expression “working face” does not include a place in a road at which ripping or work of repair is in progress.

F37 SR 1991/239

F38 SR 1999/150

60 Provision of barometers and other measuring instruments. **N.I.**

- (1) At every mine of coal or fireclay and at every mine other than of coal or fireclay, being either a safety-lamp mine or a mine (other than a safety-lamp mine) containing any waste to which section 56 applies, there shall be provided in a conspicuous place and in such a position as to be easily seen and read by the persons employed at the mine a barometer which shall, in such cases as may be prescribed, be of the prescribed kind.

Subs.(2) rep. by SR 1980/333

- (3) Every instrument provided at a mine in pursuance of, ...^{F39}, the foregoing provisions of this section shall be properly maintained, ...^{F39}.

F39 SR 1980/333

N.I.

LIGHTING, LAMPS AND CONTRABAND

61 Lighting. **N.I.**

- (1) It shall be the duty of the manager of every mine—
 - (a) to secure the provision of—
 - (i) suitable and sufficient lighting (whether natural or artificial) in every part of the mine above ground in or through which persons work

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- or pass (account being taken, where lamps are normally carried by persons who work in or pass through any such part, of the amount of light emitted by those lamps);
- (ii) suitable and sufficient artificial lighting in every part of the mine below ground in or through which persons work or pass, other than a part in which the installation of artificial lighting is inadvisable for reasons of safety or is unnecessary because of the amount of light emitted by lamps normally carried by persons who work in or pass through it or for any other reason;
- (b) to secure that all apparatus installed at the mine for producing artificial lighting thereat is properly maintained.
- (2) Provision may be made by regulations for requiring the provision and maintenance, at such places at a mine as may be prescribed, of such lights as may be prescribed; but nothing in regulations having effect by virtue of this subsection shall be construed as being in derogation of the general obligation imposed by subsection (1).

62 Permitted lights. **N.I.**

- (1) Subject to the provisions of this section, no lamps or lights other than permitted lights shall be allowed or used below ground in a mine of coal first opened on or after the date of the commencement of this Act.
- (2) Subject to the provisions of this section, no lamps or lights other than permitted lights shall be allowed or used below ground in a mine (whether of coal or of any other mineral) first opened before the said date, being either—
- (a) a mine in the case of which, immediately before that date, the use below ground therein of lamps or lights, other than locked safety-lamps or some other means of lighting the use of which below ground therein was authorised by or under the enactments repealed by this Act, was unlawful or would have been unlawful but for an exemption then in force; or
- (b) a mine (other than as aforesaid) in the case of which locked safety-lamps were being used below ground therein immediately before that date otherwise than by way of temporary precaution.
- (3) Subject to the provisions of this section, no lamps or lights other than permitted lights shall, in the case of a mine (whether of coal or of any other mineral) first opened before the said date (not being a mine to which subsection (2) applies) or of a mine other than of coal first opened on or after the said date, be allowed or used below ground after—
- (a) the occurrence in any part of the mine below ground of an ignition or explosion of gas naturally present in the mine (whether or not causing death or bodily injury); or
- (b) the introduction of the use, in any part of the mine below ground, of locked safety-lamps otherwise than by way of temporary precaution; or

Para.(c) rep. by SR 1980/333

Subs.(4) rep. by SR 1980/333

- (5) If an inspector reports to^[F40] the Executive] that he is satisfied with respect to a mine or a part of a mine that, by reason of the special character of the mine or part, compliance with the requirements of the foregoing provisions of this section is unnecessary,^[F40] the Executive], by notice served on the manager of the mine, exempt the mine or part from those provisions; but no exemption from the said provisions of a part of a mine

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of coal shall be granted after the expiration of the period of five years beginning with the commencement of this Act or shall be granted or renewed before the expiration of that period otherwise than so as to expire not later than the expiration of that period.

F40 SR 1999/150

S.63 rep. by SR 1980/333

64 Prohibition of taking into mines safety-lamps not provided by owner or of approved type. N.I.

- (1) No person shall take or use below ground in a mine a safety-lamp other than one provided by the owner of the mine.
- (2) No person shall take or use below ground in a mine a safety-lamp other than one^{F41} conforming with the provisions of regulation 19(2)(a) to (d) of the Electricity at Work Regulations (Northern Ireland) 1991 or^{F42} of a type for the time being approved by^{F42} the Executive]
 - (a) for use in mines generally, in mines of a class to which that mine belongs or in that mine; and
 - (b) for use by all persons or persons of a class to which that person belongs.

F41 SR 1991/13

F42 SR 1999/150

65 Offences relating to safety-lamps. N.I.

- (1) A person who damages, destroys or loses or suffers to be damaged, destroyed or lost a safety-lamp given out to him at a mine shall be guilty of an offence.
- (2) In any proceedings taken against a person in respect of an offence under subsection (1) with respect to a safety-lamp, it shall be a defence for him to prove that he took reasonable steps for the care and preservation of the lamp and that, immediately after the occurrence of the damage, destruction or loss, as the case may be, he notified an official of the mine of its occurrence.
- (3) A person who tampers with a safety-lamp given out to him at a mine shall be guilty of an offence.

66 Prohibition of possession of smoking materials in certain mines and parts of mines. N.I.

- (1) A person who takes or has in his possession below ground in a safety-lamp mine or takes into, or has in his possession in, a safety-lamp part of a mine, any cigar or cigarette, any pipe or other contrivance for smoking or any match or mechanical lighter, shall be guilty of an offence.
- (2) It shall be the duty of the manager of every safety-lamp mine and of every mine containing a safety-lamp part—
 - (a) to make, and to ensure the efficient carrying out of, arrangements whereby all persons employed below ground in the mine or, as the case may be, employed in the safety-lamp part thereof or such of those persons as may be selected

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in accordance with a system approved by^{F43} the Executive] by notice served on the manager of the mine, and any articles which they have with them, and all other persons and any articles which they have with them, will, for the purpose of ascertaining whether any of them has in his possession any such article as is mentioned in subsection (1), be searched in the authorised manner immediately before, or (if that is impracticable) immediately after, they go below ground in the mine on any occasion or, as the case may be, enter the safety-lamp part thereof on any occasion; and

- (b) to secure that, at any time when the said arrangements are not in operation, no person goes below ground in the mine or as the case may be, enters the safety-lamp part thereof;

and the manager of every safety-lamp mine and of every mine containing a safety-lamp part may, at any time when a person is below ground in the mine or is in the safety-lamp part thereof, as the case may be, cause him and any article which he has with him to be searched in the authorised manner for the purpose of ascertaining whether he has in his possession any such article as is mentioned in subsection (1).

- (3) Where, upon a search made in pursuance of this section, a person who is about to go below ground in a safety-lamp mine or to enter a safety-lamp part of a mine is found to have in his possession any such article as is mentioned in subsection (1), he shall be guilty of an offence.
- (4) Without prejudice to the institution of proceedings against a person for an offence under this section, any such article as is mentioned in subsection (1) which is found upon any search made at a mine in pursuance of this section may be seized by the person making the search and dealt with in such manner as may be directed by the manager of the mine.
- (5) No person shall, in pursuance of this section, search any other person on any occasion unless he has previously given on that occasion an opportunity to some two other persons to search himself and, if searched by them, has not been found to have in his possession any such article as is mentioned in subsection (1).
- (6) A person who on any occasion refuses to allow himself or an article which he has with him to be searched in pursuance of this section shall be guilty of an offence and, without prejudice to the institution of proceedings against him in respect of the offence, if the refusal occurs before he goes below ground in a mine shall not be allowed to go below ground in it on that occasion and, if the refusal occurs when he is in a mine, shall not be allowed to remain in it on that occasion.
- (7) It shall be the duty of the manager of every safety-lamp mine and of every mine containing a safety-lamp part to secure that, at or near every place where searches are carried out under arrangements made in pursuance of subsection (2)(a), notices warning persons of their liability under subsection (1) are kept posted in such characters and in such positions as to be easily seen and read by persons liable to be searched.
- (8) In this section the expression “mechanical lighter” means a mechanical, chemical or electrical contrivance designed or adapted primarily for the purpose of igniting tobacco and the expression “authorised manner” means such manner as may be specified in an order made by the Ministry.

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67 Prohibition of taking into certain mines and parts of mines of articles producing flames or sparks. N.I.

- (1) Subject to the provisions of this section, no article designed or adapted to produce an unprotected flame or an unprotected spark shall be taken or used below ground in a safety-lamp mine or taken into, or used in, a safety-lamp part of a mine.
- (2) Nothing in subsection (1) shall be construed as prohibiting—
- (a) the taking into, or use in, a mine or part of a mine of any article in accordance with this Act or regulations;
 - (b) the taking into, or use in, a mine of any class or part of a mine of any class of an article of a description authorised by order of the Ministry to be used in a mine of that class;
 - (c) the taking into, or use in, a mine or part of a mine of an article of a description authorised in writing by^{F44} the Executive] to be used in that mine or, as the case may be, that part of that mine.

F44 SR 1999/150

S.68 rep. by SR 1980/333

N.I.

BLASTING MATERIALS AND DEVICES

69 Blasting materials and devices. N.I.

Subs.(1)(2) rep. by SR 1980/333

- (3) No blasting material or device shall be taken or used below ground in a mine other than material or a device provided by the owner of the mine.
- (4) In this section the expression “blasting materials and devices” means explosives and any articles designed for the purpose of breaking up or loosening minerals by means of explosion, the expansion of gas, the change of a substance from one physical state to another or a chemical reaction not constituting combustion.

N.I.

FIRE PRECAUTIONS AND PROVISIONS AS TO RESCUE

S. 70 rep. by SR 1998/375

Ss.71,72 rep. by SR 1980/333

73 Means of escape from rooms in which there is special risk of fire, &c. N.I.

It shall not be lawful for a person to be employed at a mine in a room, chamber, or similar confined space in which, owing to the nature of any machinery or apparatus installed therein or of any materials stored therein, there is a risk of the outbreak of a dangerous fire or the escape of steam in substantial quantity or of noxious gas in a dangerous concentration, unless either such steps are taken (whether by the provision

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of two or more exits or otherwise) as are necessary for the purpose of minimising the risk of his being trapped therein in any such event or the circumstances in which he is employed are themselves such as to minimise the risk of his being so trapped.

N.I.

DUST PRECAUTIONS

74 Dust precautions. **N.I.**

[^{F45}(1) It shall be the duty of the manager of every mine to ensure that, in connection with the getting, dressing and transporting of minerals below ground in the mine, the giving off of any dust that is inflammable is minimised.]

(2) Where, in connection with the carrying on of any operations or process below ground in a mine or in a building on the surface of a mine, there is given off any dust that is inflammable^{F45} . . . , it shall be the duty of the manager of the mine to ensure—

- (a) that the entry of the dust into the air or its accumulation in any place in circumstances in which its accumulation in that place might be dangerous or harmful is minimised by means of steps in that behalf taken as near as possible to the point of origin of the dust;
- (b) that any of the dust which enters the air is trapped or so dispersed as to render it harmless; and
- (c) that any of the dust which is not prevented from accumulating in a place in circumstances in which its accumulation in that place might be dangerous or harmful is either systematically cleaned up and removed to a place where it cannot be dangerous or harmful or treated in manner approved by^{F46} the Executive] for the purpose of rendering it harmless.

Subs.(3) rep. by SR 1980/333

F45 SR 1998/67

F46 SR 1999/150

N.I.

PRECAUTIONS AGAINST EXTERNAL DANGERS TO WORKINGS

75 Duty of mine owners and managers to seek evidence of proximity of disused workings, water-bearing strata, &c. **N.I.**

(1) In the case of every mine, the owner thereof and the manager thereof shall each be charged with the duty—

- (a) of taking such steps as may be necessary for securing that he is at all material times in possession of all information which indicates or tends to indicate the presence or absence, in the vicinity of any workings carried on or proposed to be carried on in the mine, of—

(i) any disused workings (whether mine workings or not);

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- (ii) any rock or stratum containing or likely to contain water (whether dispersed or in natural cavities);
 - (iii) any peat, moss, sand, gravel, silt or other material that is likely to flow when wet; and
 - (b) of taking such steps as may be necessary for the purpose of substantiating any such information which comes into his possession (whether in consequence of the discharge of the duty imposed upon him by paragraph (a) or not).
- (2) In the case of every mine, the owner thereof and the manager thereof shall each be charged with the duty—
- (a) forthwith after any such information as is mentioned in paragraph (a) of subsection (1) comes into his possession (whether in consequence of the discharge of the duty imposed upon him by that paragraph or not), of furnishing to the other particulars of the information; and
 - (b) forthwith after taking any steps in discharge of the duty imposed upon him by paragraph (b) of subsection (1), of furnishing to the other particulars of the steps taken and of any conclusion reached as a result of taking them.

76 Duty of mine owners and managers to ascertain thickness of strata between workings and surface water. N.I.

- (1) It shall be the duty both of the owner and of the manager of every mine to take, with respect to any workings carried on or proposed to be carried on in the mine in the vicinity of the sea, a lake or river or any other body of surface water (whether accumulated naturally or artificially) such steps as may be necessary for ascertaining the total thickness of the strata lying between the workings and the surface water.
- (2) In the case of every mine, the owner thereof and the manager thereof shall each be charged with the duty, forthwith after obtaining any information in consequence of the discharge of the duty imposed upon him by subsection (1), of furnishing to the other particulars of the information obtained.

77 General duty to take precautions against intrushes of gas, water, &c. N.I.

It shall be the duty of the manager of every mine to take, with respect to every working in the mine, such steps as may be necessary to prevent any intrush into the working of gas from disused workings (whether mine workings or not) or of water or material that flows when wet (whether from disused workings or from any other source).

S.78 rep. by SR 1980/333

N.I.

DUTIES OF OFFICIALS AND WORKMEN IN CASES OF DANGER

79 Withdrawal of workmen in cases of danger. N.I.

- (1) Where inflammable gas is present at a place below ground in a mine in a concentration deemed for the purposes of this section to be excessive, the person in charge of the part of the mine in which that place is situate shall comply with the following requirements, namely:—

Status: Point in time view as at 01/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

- (a) he shall forthwith cause all persons employed in so much of that part of the mine as appears to him to be affected (hereinafter referred to as the “affected area”) to leave it;
 - (b) unless he is the manager of the mine, he shall, forthwith after complying with paragraph (a), inform his immediate superior and the person in charge of any other part of the mine appearing to him to be likely to be affected that inflammable gas is present at the said place in a concentration deemed as aforesaid to be excessive;
 - (c) so soon after complying with paragraph (b) (or, in a case where that paragraph does not apply, paragraph (a)) as it is possible so to do without undue risk, he shall himself ascertain, or cause some competent person to ascertain, the condition of the affected area and the measures that it is necessary to take for the purpose of rendering it safe.
- (2) Subsection (1) shall, with the requisite modifications, apply where it appears to the person in charge of a part of a mine below ground that there exists at a place in that part a danger constituted—
 - (a) by the presence of inflammable gas (whether or not the concentration thereof is deemed for the purposes of this section to be excessive); or
 - (b) otherwise howsoever;as it applies in the circumstances mentioned in that subsection.
- (3) Where, on any occasion, persons have been caused to leave an affected area in pursuance of the foregoing provisions of this section, no person shall thereafter be permitted to enter it until both of the following conditions are fulfilled, namely,—
 - (a) that inflammable gas is not present at any place therein in a concentration deemed for the purposes of this section to be excessive; and
 - (b) that the appropriate person is satisfied that the area is free from all danger (whether constituted by the presence of inflammable gas or otherwise howsoever);but nothing in this subsection shall be taken to prohibit a person from entering an affected area for the purpose of saving life, giving effect to subsection (1)(c), rendering that area or any other part of the mine safe or ascertaining either the effectiveness of any measures taken for the last-mentioned purpose or whether, apart from this provision, persons may lawfully be permitted to enter the affected area.
- (4) Where persons have, on any occasion, been caused to leave an affected area in pursuance of the foregoing provisions of this section, the person who caused them to leave it shall record in a book to be provided for that purpose by the owner of the mine particulars of the reason for his causing them to leave that area and of the matters disclosed as a result of giving effect to subsection (1)(c) and subscribe his signature thereto.
- (5) For the purposes of this section the concentration of inflammable gas present at a place in a mine shall be deemed to be excessive—
 - (a) if, being a place in—
 - (i) a safety-lamp mine; or
 - (ii) a part of a mine other than a safety-lamp mine, being a part in which the use of lamps or lights other than permitted lights is unlawful;the amount of such gas present in the general body of the air at that place is not less than two per cent. by volume or, if a greater percentage by volume (not exceeding two and a half) is prescribed, that greater percentage;

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- (b) if, being a place other than such a place as is mentioned in paragraph (a), either—
- (i) the amount of such gas present in the general body of the air at that place is not less than one and a quarter per cent. by volume or, if a smaller percentage by volume is prescribed, that smaller percentage; or
 - (ii) an indication of gas is seen at that place on the lowered flame of a safety lamp;

and for the purposes of subsection (3) the appropriate person, in relation to an affected area, shall be the person in charge of the part of the mine which consists of, or includes, that area, except in a case where any of his superiors is present, and in the said excepted case shall be the senior of his superiors present.

80 Duty of workmen to deal with, or report, danger. **N.I.**

If it appears to a person employed at a mine (not being an official of the mine) that a danger affecting the mine or a part thereof has arisen or is about to arise, he shall—

- (a) if the taking of measures to render the mine or part safe after that danger has arisen or to prevent that danger from arising, as the case may be, falls within the scope of his normal duties, forthwith take those measures; and
- (b) if not, forthwith report the matter to an official of the mine.

N.I.

MACHINERY AND APPARATUS

S. 81(1) rep. by SR 1993/19; subs. (2) rep. by SR 1980/333

S. 82 rep. by SR 1993/19

83 Restrictions on use below ground of certain engines, &c. **N.I.**

No internal combustion engine, steam boiler or locomotive shall be used below ground in a mine otherwise than in accordance with the provisions of regulations in that behalf or with the consent of^[F47] the Executive].

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| F47 SR 1999/150 |
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84 Air, gas and steam containers. **N.I.**

- (1) All apparatus used as, or forming, part of the equipment of a mine, being apparatus which contains or produces air, gas or steam at a pressure greater than atmospheric pressure shall be so constructed, installed, maintained and used as to obviate any risk from fire, bursting, explosion or collapse or the production of noxious gases.

Subs.(2) rep. by SR 1980/333

- (3) ^[F48]the Executive] may at any time require any such apparatus as aforesaid at a mine to be examined by a person nominated by^[F48] the Executive] and the manager of the mine shall give the necessary facilities for the examination; and if, as a result of the examination, it appears that any report of the result of an examination of the

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apparatus (being a report made in pursuance of regulations having effect by virtue of subsection (2)) was inadequate or inaccurate in a material particular, the cost of the examination under this subsection shall be recoverable summarily as a debt by^{F48} the Executive] from the owner of the mine.

F48 SR 1999/150

S. 85 rep. by SR 1999/304

N.I.

BUILDINGS, STRUCTURES, MEANS OF ACCESS, &C.

86 Buildings and structures to be kept safe. N.I.

All buildings and structures on the surface of a mine shall be kept in safe condition.

87 Safe means of access and safe means of employment. N.I.

- (1) There shall be provided and maintained safe means of access to every place in or on a building or structure on the surface of a mine, being a place at which any person has at any time to work.
- (2) Where a person is to work at any such place as aforesaid from which he will be liable to fall a distance of more than^{F49} 2 metres], then, unless the place is one which affords secure foothold and, where necessary, secure hand-hold, means shall be provided by fencing or otherwise for ensuring his safety.

F49 SR 1991/239

N.I.

TRAINING AND DISCIPLINE

88 Restriction on doing of work by unskilled persons. N.I.

It shall be the duty of the manager of every mine to secure that no person is employed thereat in any work otherwise than under the instruction and supervision of some person competent to give instruction in, and supervise, the doing of that work, unless the first-mentioned person has received adequate instruction in, and (where necessary) training for, the doing of that work and is competent to do it without supervision.

89 Penalization of failure to observe safety directions, &c. N.I.

A person employed at a mine who contravenes—

- (a) any transport or support rules having effect with respect to the mine; or
- (b) any directions given to him by or on behalf of the owner or manager of the mine or any rule made by the manager of the mine for regulating the conduct either of all persons employed thereat or any class of persons so employed

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to which that person belongs, being directions given, or a rule made, for the purpose of securing compliance with this Act, orders made thereunder or regulations or any transport or support rules having effect with respect to the mine or of securing the safety or health of that person or any other person employed at the mine;

shall be guilty of an offence.

90 Penalization of negligent acts or omissions and unauthorised removal, &c., of articles. N.I.

- (1) A person who negligently or wilfully does at a mine anything likely to endanger the safety of the mine or the safety or health of persons thereat or negligently or wilfully omits to do at a mine anything necessary for securing the safety of the mine or the safety or health of persons thereat shall be guilty of an offence.
- (2) A person (not being an official of the mine) who, without permission granted by such an official, removes, alters or tampers with anything provided at a mine for the purpose of securing the safety or health of persons employed thereat shall be guilty of an offence.

N.I.

FIRST-AID

91 First-aid. N.I.

- (1) It shall be the duty of the manager of every mine^{F50} of coal, stratified ironstone, shale or fireclay] to secure the provision thereat of adequate facilities and equipment for the purpose of rendering first-aid to persons employed at the mine who, while so employed, suffer bodily injury or become ill.

Subs.(2) rep. by SLR 1980/333

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| F50 SR 1982/429 |
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N.I.

MEDICAL EXAMINATIONS AND PROHIBITION OF HEAVY WORK

S.92 rep. by SR 1980/333

S. 93 rep. by SR 1992/535

Status: Point in time view as at 01/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

N.I.

GENERAL WELFARE PROVISIONS

94 Sanitary conveniences **N.I.**

- (1) It shall be the duty of the manager of every mine to secure the provision thereat (as well below as above ground) of sufficient and suitable sanitary conveniences for the use of persons employed thereat being, in a case where persons of both sexes are, or are intended to be, so employed, conveniences affording proper separate accommodation for persons of each sex.
- (2) All sanitary conveniences provided in pursuance of subsection (1) shall be kept clean and properly maintained and reasonable provision shall be made for lighting them.

95 Measures against vermin and insects. **N.I.**

- (1) It shall be the duty of the owner of every mine to take such steps as are necessary to secure that all parts of the mine below ground are kept free from rats and mice, ...^{F51}.
- (2) Nothing in this section shall be construed as excluding the application to parts of mines below ground of any of the provisions of the Rats and Mice (Destruction) Act 1919 .

F51 SR 1980/333

S.96 rep. by SR 1980/333

97 Supply of drinking water. **N.I.**

There shall be provided and maintained on the surface of every mine, at suitable points conveniently accessible to all persons employed at the mine, an adequate supply of wholesome drinking water.

NOTIFICATION AND INVESTIGATION OF ACCIDENTS AND DISEASES

Ss. 98,99 rep. by SR 1981/339

Ss. 100,101 rep. by SR 1980/333

S. 102 rep. by SR 1981/339

Ss. 103,104 rep. by SR 1980/333

PART V **N.I.**

WORKMEN'S INSPECTIONS

105 Inspections of mines on behalf of workmen employed thereat. **N.I.**

- (1) For the purpose of enabling inspections to be carried out at a mine on behalf of the persons employed thereat, a panel of persons each of whom has had not less than five years practical experience of mining operations may be appointed for that mine—

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- (a) in a case where there is an association or body representative of a majority of the total number of persons employed at the mine, by that association or body;
 - (b) in any other case, jointly by associations or bodies which are together representative of such a majority.
- (2) The owner of a mine shall be under an obligation to permit such inspections to be carried out thereat by members of the panel appointed therefor under subsection (1) as will enable every part of the mine and the equipment thereof to be inspected once at least in every month by two of those members together (of whom one at least is employed at the mine).
- (3) Where there occurs at a mine an accident or other occurrence (being in either case one of which notice is required by^{F52} the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997] to be given), any two members of the panel appointed for the mine under subsection (1) (of whom one at least is employed at the mine) may together inspect the place where the accident or other occurrence occurred and, so far as necessary for the purpose of ascertaining its cause, any other part of the mine and any machinery, apparatus or other thing thereat, and may take samples of the atmosphere at that place and of any dust or water thereat.
- (4) Nothing in subsection (2) or (3) shall be construed as precluding the making, as respects a mine, of an agreement between the owner thereof and the association or body (or, as the case may be, associations or bodies) by whom a panel therefor is appointed under subsection (1) with respect to the carrying out, by members of that panel, of inspections at the mine, so, however, that no such agreement shall operate so as in any way to abridge the rights conferred by subsections (2) and (3).
- (5) On any occasion on which members of a panel appointed for a mine under subsection (1) carry out, by virtue of subsection (2) or (3) or of any such agreement as is mentioned in subsection (4), an inspection at the mine, they—
 - (a) shall be entitled to inspect any documents which by or by virtue of this Act are required to be kept at the office at the mine or at such other place as may be approved by^{F53} the Executive];
 - (b) shall be entitled to be accompanied by advisers of theirs, but shall not be entitled to preclude—
 - (i) the owner of the mine or any person nominated by him, or
 - (ii) the manager of the mine or any person nominated by him, or
 - (iii) any under-manager of the mine,
 from accompanying them.
- (6) On any occasion on which members of a panel appointed under subsection (1) for a mine are, by virtue of subsection (2) or (3) or of any such agreement as is mentioned in subsection (4), carrying out an inspection at the mine, it shall be the duty of all persons employed thereat to afford to those members such facilities and assistance with respect to matters or things to which the respective responsibilities of those persons extend as are requisite for the purpose of carrying out the inspection, and where the inspection is carried out by virtue of subsection (2) or of any such agreement as is mentioned in subsection (4), it shall be the duty of the manager of the mine, if requested so to do by the said members, to furnish to them any information in his possession which relates to the nature or extent of any workings proposed to be carried on in the mine.
- (7) Forthwith after members of a panel appointed under subsection (1) for a mine have, on any occasion, completed an inspection carried out thereat by virtue of subsection (2)

Status: Point in time view as at 01/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

or (3) or of any such agreement as is mentioned in subsection (4), they shall make, in a book to be provided for that purpose by the owner of the mine, a full and accurate report of the matters ascertained as a result of the inspection and shall subscribe their signatures thereto.

- (8) Forthwith after a report has, in pursuance of subsection (7), been made of matters ascertained as a result of an inspection carried out at a mine, a true copy thereof shall be sent by the manager of the mine to^[F53] the Executive] and another such copy shall be posted by him in some conspicuous position at the mine and kept posted there for a period of twenty-four hours.

F52 SR 1997/455

F53 SR 1999/150

S. 106(1),(2) rep. by 1990 NI 2; subs. (3) rep. by SR 1980/333

S. 107 rep. by SR 1980/333

S. 108-111 rep. by 1990 NI 2

PART VII **N.I.**

RECORDS, RETURNS AND INFORMATION

112 Form of official books and preservation and inspection of entries therein. **N.I.**

- (1) Every book which, in pursuance of this Act or regulations^[F54] or health and safety regulations which expressly apply to all mines, any class of mine to which the mine belongs or the mine], is provided by the owner of a mine for the purpose of the entry therein of any report, record or other item of information shall be in such form as^[F55] the Executive] may direct.
- (2) Every entry made in any such book as aforesaid or a copy of that entry shall be preserved until the expiration of three years after the date on which it was made or such other period (whether longer or shorter) as may be prescribed for an entry of any class and, until no longer required to be preserved, shall be kept at the office at the mine to which it relates or at such other place as may be approved by^[F55] the Executive] and be open to inspection by, or by a person authorised in that behalf in writing by, any person employed at that mine.

F54 SR 1980/333

F55 SR 1999/150

113 Records of certain appointments. **N.I.**

Where an appointment is made by the manager of a mine in pursuance of regulations having effect by virtue of section 12(1), or in pursuance of section 13(1) or regulations having effect by virtue of section 13(2) or in pursuance of section 42 the manager shall forthwith make a record thereof; and a record made in pursuance of this section shall be preserved until the expiration of twelve months after the ending of the appointment evidenced thereby and, until no longer required to be preserved, shall be kept at the office at the mine to which that appointment is referable or at such other place as

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may be approved by^[F56] the Executive] and be open to inspection by, or by a person authorised in that behalf in writing by, any person employed at that mine.

F56 SR 1999/150

114 Provision of copies of this Act and other instruments. **N.I.**

At all times at which persons are employed at a mine there shall be provided thereat or near thereto suitable covered accommodation wherein shall be provided a copy of this Act ^[F57] and of the Health and Safety at Work (Northern Ireland) Order 1978 ^{M1} and of every such instrument as the following which is in force with respect to the mine, namely, orders made under this Act, regulations, ^[F57] health and safety regulations], transport rules, support rules, any notice served under or by virtue of this Act ^[F57] or the Health and Safety at Work (Northern Ireland) Order 1978] by^[F58] the Executive] or an inspector on the manager of the mine and any such rule regulating the conduct of persons as is mentioned in section 89(b); and all persons employed at the mine shall be entitled to have access to that accommodation for the purpose of inspecting the documents hereby required to be provided therein.

F57 SR 1980/333

F58 SR 1999/150

Marginal Citations

M1 1978 NI 9

115 Posting of notices. **N.I.**

- (1) At all times at which persons are employed at a mine there shall be kept posted thereat—
 - (a) a notice of the name of the mine, the name and address of the owner thereof and the name of the manager thereof;
 - (b) a notice of the name of^[F59] the Executive] and an address approved by^[F59] the Executive] as the address to which communications to^[F59] the Executive] on matters in connection with this Act may be sent; and
 - (c) a notice specifying the situation of the accommodation provided in pursuance of section 114.
- (2) Where, in the case of a mine,—
 - (a) regulations affecting it are made; or
 - (b) a notice is served under or by virtue of this Act by^[F59] the Executive] or an inspector on the manager of the mine;
 notice of the making of the regulations or, as the case may be, of the service of the notice (specifying the regulations or, as the case may be, indicating the general nature of the notice) shall be kept posted at the mine at all times during the period of six months next following the making or service of the regulations or notice (or, in the case of a notice served by an inspector by virtue of section 125(3), the period for which the notice is effective) at which persons are employed at the mine.
- (3) All notices required by this section to be posted at a mine shall be posted in such characters and in such positions as to be easily seen and read by the persons employed

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thereat, and if a form is specified by^{F59} the Executive] for any such notice, it shall be posted in that form.

F59 SR 1999/150

116 Furnishing to workers of information with respect to this Act and orders and regulations thereunder. N.I.

[^{F60}the Executive] may prepare and designate for the purpose of the issue thereof in accordance with the following provisions of this section to persons of any class employed at mines, a book containing such information with respect to so much of this Act, orders made thereunder and regulations as in^{F60} the Executive] 's opinion affects persons of that class, and such other information, if any, as it appears to^{F60} the Executive] requisite or expedient to bring to the notice of such persons, or may approve for the purpose aforesaid any such book prepared by or on behalf of an owner of mines; and, where a book is for the time being designated or approved by virtue of this section for the purpose of the issue thereof to persons of any class, it shall, in the case of every mine, be the duty of the manager—

- (a) to give (unless he has previously done so) a copy of that book to every person on any occasion on which, after the designation or approval of the book, he begins to be employed at that mine as a person of that class;
- (b) to give, as soon as it is practicable to do so, a copy of that book to every person who, at the time at which it is designated or approved, is employed at that mine as a person of that class.

F60 SR 1999/150

S.117 rep. by SR 1980/333

118 Notification of beginning and ending of certain mining operations. N.I.

- (1) In any of the following events, namely,—
 - (a) the beginning of operations for the purpose of opening a mine or a seam or vein therein, the abandonment of a mine or a seam or vein therein, the expiration of the period of two months beginning with the day on which a mine or a seam or vein therein was last worked for the purpose of getting minerals or products thereof and the resumption of the working of a mine or a seam or vein therein after the abandonment thereof or after the expiration of such a period as aforesaid; and
 - (b) the beginning of operations for the purpose of driving a new shaft or new outlet of a mine, the abandonment of the use of a shaft or outlet of a mine, the expiration of the period of two months beginning with the day on which a shaft or outlet of a mine was last used and the resumption of the use of a shaft or outlet of a mine after the abandonment thereof or after the expiration of such a period as aforesaid;

the owner of the mine in question shall, within two weeks after the happening of that event, give notice thereof to^{F61} the Executive].

- (2) Where a mine or a seam or vein therein is abandoned after the day on which it was last worked for the purpose of getting minerals or products thereof but before the

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expiration of the period of two months beginning with that day, it shall not be necessary to give notice of the expiration of that period, and where the use of a shaft or outlet of a mine is abandoned after the day on which it was last used but before the expiration of the period of two months beginning with that day, it shall not be necessary to give notice of the expiration of that period.

F61 SR 1999/150

119 Notification of change of ownership or name of mine. **N.I.**

(1) Where a change occurs—

- (a) in the ownership of a mine; or
- (b) in the name of a mine;

the owner shall, within two weeks after the change occurs, give to^[F62] the Executive] a notice stating the particulars of the change.

(2) For the purposes of this section a name shall be deemed to be changed if the spelling thereof is altered.

F62 SR 1999/150

PART VIII **N.I.**

REGULATIONS

120 Regulations. **N.I.**

Subs.(1)#(4) rep. by SR 1980/333

(5) In this Act (save where, ...^{F63}, the context otherwise requires) the expression “regulations” means regulations made under this section [^{F64} as originally enacted], the expression “prescribed” means prescribed by regulations and the expressions “general regulations” and “special regulations” mean respectively regulations other than those applicable to a particular mine only and regulations applicable to a particular mine only.

F63 SR 1980/333

F64 SR 1980/333

S.121 rep. by SR 1980/333

122 Variation, revocation, &c., of regulations. **N.I.**

Without prejudice to section 17(2) of the Interpretation Act (Northern Ireland) 1954^{M2}

- (a) general regulations may be rendered wholly or partly inapplicable, or varied in their application, to a particular mine by special regulations applicable thereto; and
- (b) special regulations may be revoked by general regulations;

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and a provision of general regulations which revokes special regulations shall be deemed not to be a special regulation.

Marginal Citations

M2 1954 c. 33

Part IX (ss.123#125) rep. by 1974 NI 6; SR 1980/333

PART X N.I.

GRANT, CANCELLATION AND SUSPENSION OF CERTIFICATES

126 Grant of certificates. N.I.

- (1) Without prejudice to subsection (2), the first-class and second-class certificates of competency referred to in the foregoing provisions of this Act shall be granted by^[F65] the Executive] on the recommendation of the Mining Qualifications Board constituted under section 148 of the Mines and Quarries Act 1954 .
- (2) Where application is made to^[F65] the Executive] for a first-class or, as the case may be, a second-class certificate by a person who satisfies^[F65] the Executive] that he is the holder of such a certificate granted under section 147 of the Mines and Quarries Act 1954 or any enactment repealed by that Act,^[F65] the Executive] may grant the certificate applied for without referring the application to the Mining Qualifications Board.
- (3) There shall be payable to^[F65] the Executive] by persons who seek the grant of certificates under subsection (1) or subsection (2) such fees as may be determined by the Ministry with the approval of the Ministry of Finance.
- (4) If any certificate granted by^[F65] the Executive] under this section is defaced, lost or destroyed,^[F65] the Executive] may, on payment of such fee, if any, as the Ministry may, with the approval of the Ministry of Finance, determine and on such terms as to evidence as^[F65] the Executive] thinks fit (and, in a case in which the certificate is defaced, on the surrender thereof) issue a duplicate of the certificate.

F65 SR 1999/150

127 Cancellation or suspension of certificates. N.I.

- (1) On the conviction of an offence under this Act of the holder of a certificate granted by^[F66] the Executive] under this Act, the court by which he is sentenced may, on an application for that purpose made on behalf of^[F66] the Executive], cancel or suspend the certificate in addition to or instead of imposing any other penalty to which the person convicted may be liable if, having regard to the nature of the offence and the circumstances in which it was committed, the court is of opinion that that person is unfit to continue to hold the certificate; and where a certificate held by a person is cancelled or suspended under this subsection, he shall have the same right of appeal as if the cancellation or suspension were a sentence passed by the court on his conviction.

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- (2) A court shall not exercise the power conferred by subsection (1) unless—
- (a) notice of intention to make an application thereunder has been served on the person convicted at the same time as the service or execution of the summons or warrant issued in pursuance of the complaint charging him with the offence of which he is convicted; and
 - (b) the said person has, on pleading to the charge, been given an opportunity to elect, but has not elected, to have the question of the cancellation or suspension of his certificate inquired into under subsection (3).
- (3) [F66the Executive]
- (a) may, in the case of a person who is the holder of any such certificate as aforesaid, where it appears to[F66 the Executive] that there is reason to believe that that person is, by reason of incompetence or gross negligence or misconduct in the performance of duties of his with respect to a mine, unfit to continue to hold the certificate; and
 - (b) shall, in the case of a person who is the holder of such a certificate and has made an election under subsection (2)(b),
 cause inquiry to be made into the question whether or not he is fit to continue to hold the certificate by a tribunal which shall have power to cancel or suspend the certificate if it finds that by reason aforesaid or, as the case may be, that having regard to the offence and the circumstances in which it was committed, he is unfit to continue to hold the certificate.
- (4) The provisions of Part I of Schedule 3 shall have effect with respect to the constitution and procedure of the tribunal holding an inquiry under subsection (3) and with respect to the holding of the inquiry.
- (5) Where, under subsection (1), an application is made to a court for the cancellation or suspension of a certificate and the holder does not elect under subsection (2)(b) to have the question of the cancellation or suspension inquired into under subsection (3), no inquiry into his conduct shall be held by a tribunal under this section on the same grounds as those considered by the court; and where an inquiry is held by a tribunal under this section into the conduct of the holder of a certificate, no application to a court for the cancellation or suspension of the certificate shall be made under subsection (1) on the same grounds as those considered at the inquiry.
- (6) [F66the Executive] may at any time, if it is shown to[F66 the Executive] to be just so to do, restore a certificate cancelled under this section or shorten the period for which a certificate is suspended thereunder.
- (7) A certificate suspended under this section shall, during the period of suspension, be of no effect.
- (8) The provisions of Part II of Schedule 3 shall have effect with respect to the delivery up of a certificate to a court or tribunal and with respect to the subsequent proceedings with respect to a certificate so delivered up.
- (9) Notwithstanding anything contained in the foregoing provisions of this section, when any certificate granted to any person under section 147 of the Mines and Quarries Act 1954 or any enactment repealed by that Act is cancelled or suspended,[F66 the Executive] may cancel or in like manner suspend any certificate granted to that person under section 126.

Status: Point in time view as at 01/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

F66 SR 1999/150

PART XI **N.I.**

REGULATION OF TIPS AND FENCING OF ABANDONED AND DISUSED MINES

128 Regulation of tips. **N.I.**

- (1) Regulations may make such provision as appears to the Ministry to be necessary or expedient for the purpose of ensuring that every tip, being an active tip or a closed tip, is made and kept secure.
- (2) Regulations made under this section may contain such incidental and supplementary provisions as appear to the Ministry to be appropriate, and may in particular provide for the application, in relation to tips of any class to which the regulations apply, of any of the provisions of this Act, with or without modifications, and for any amendments of this Act which are consequential on those provisions.
- (3) In this section—
 - “tip” means an accumulation or deposit of refuse from a mine (whether in a solid state or in solution or suspension) other than an accumulation or deposit situated underground, and where any wall or other structure retains or confines a tip then, whether or not that wall or structure is itself composed of refuse, it shall be deemed to form part of the tip for the purposes of this Act;
 - “active tip” means a tip on premises which are deemed to form part of a mine by virtue of section 156(4);
 - “closed tip” means a tip not on such premises, where the mine with which the tip is associated has not been abandoned and the entirety or any part of the premises on which the tip is situated continues to be occupied exclusively by the owner of that mine.

129 Fencing of abandoned and disused mines. **N.I.**

- (1) It shall be the duty of the owner of every abandoned mine and of every mine which, notwithstanding that it has not been abandoned, has not been worked for a period of twelve months to secure that the surface entrance to every shaft or outlet thereof is provided with an efficient enclosure, barrier, plug or other device so designed and constructed as to prevent any person from accidentally falling down the shaft or from accidentally entering the outlet and that every device so provided is properly maintained; but this subsection shall not apply to mines which have not been worked for the purpose of getting minerals or products thereof since 9th August, 1872, being mines other than of coal, stratified ironstone, shale or fireclay.
- (2) For the purposes of [^{F67}Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011], each of the following shall be deemed to be a [^{F68}statutory nuisance] liable to be dealt with summarily in manner provided by [^{F69}that Part], that is to say:—
 - (a) a shaft or outlet of an abandoned mine (other than a mine excepted from the application of subsection (1)) or of a mine (other than as aforesaid) which, notwithstanding that it has not been abandoned, has not been worked for a period of twelve months, being a shaft or outlet the surface entrance to which

Status: Point in time view as at 01/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

is not provided with a properly maintained device such as is mentioned in that subsection;

(b) a shaft or outlet of a mine excepted from the application of subsection (1), being a shaft or outlet with respect to which the following conditions are satisfied, namely,—

(i) that its surface entrance is not provided with a properly maintained device such as is mentioned in that subsection; and

(ii) that, by reason of its accessibility from a highway or a place of public resort, it constitutes a danger to members of the public.

(3) Any expenses incurred, by reason of the operation of [F70Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011], by a person other than the owner (as defined for the purposes of this Act) of a mine for the purpose of abating, or preventing the recurrence of, a nuisance under subsection (2) or in reimbursing a sanitary authority^{F71} in respect of the abatement, or prevention of the recurrence, of such a nuisance shall, subject to any agreement to the contrary, be recoverable by that person from the owner (as so defined) of the mine.

F67 Words in s. 129(2) substituted (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), s. 78, **Sch. 3 para. 8(a)(i)**; S.R. 2012/13, art. 2(2), Sch. 2

F68 Words in s. 129(2) substituted (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), s. 78, **Sch. 3 para. 8(a)(ii)**; S.R. 2012/13, art. 2(2), Sch. 2

F69 Words in s. 129(2) substituted (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), s. 78, **Sch. 3 para. 8(a)(iii)**; S.R. 2012/13, art. 2(2), Sch. 2

F70 Words in s. 129(3) substituted (1.4.2012) by [Clean Neighbourhoods and Environment Act \(Northern Ireland\) 2011 \(c. 23\)](#), s. 78, **Sch. 3 para. 8(b)**; S.R. 2012/13, art. 2(2), Sch. 2

F71 1878 c.52 by SRO (NI) 1973/285

PART XII **N.I.**

OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

130 **Offences. N.I.**

(1) In the event of a contravention, in relation to a mine, of—

(a) a provision of this Act, of an order made thereunder or of regulations, not being a provision which expressly provides that a person is to be guilty of an offence; or

(b) a direction, prohibition, restriction or requirement given or imposed by a notice served under or by virtue of this Act by^{F72} the Executive] or an inspector; or

(c) a condition attached to an exemption, consent, approval or authority granted or given under or by virtue of this Act by^{F72} the Executive];

^{F73}(d) a requirement or prohibition imposed by or under health and safety regulations which expressly apply to all mines, any class of mine to which the mine belongs or the mine;]

each of the following persons shall, subject to the following provisions of this Act, be guilty of an offence, namely, the owner of the mine, any person to whom written instructions have been given by the owner in pursuance of section 1 specifying as, or including amongst, the matters with respect to which that person is charged with

Status: Point in time view as at 01/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

securing the fulfilment in relation to the mine of statutory responsibilities of the owner, matters of the class to which the provision, direction, prohibition, restriction, requirement or condition relates, the manager of the mine, any person who is for the time being treated for the purposes of this Act as the manager, every under-manager of the mine and any person who is for the time being treated for the purposes of this Act as an under-manager thereof.

- (2) In the event of a contravention, in relation to a mine, by a person other than one mentioned in subsection (1), of such a provision as is mentioned in paragraph (a) of that subsection, [^{F74} or such a requirement or prohibition as is mentioned in paragraph (d) of that subsection, whereby there is expressly imposed on that person or on persons of a class to which he belongs a duty or requirement or he or persons of a class to which he belongs or all persons are expressly prohibited] from doing a specified act, the person who contravened that provision, as well as the persons mentioned in subsection (1), shall be guilty of an offence.
- (3) Neither the manager of a mine as such nor a person who is for the time being treated for the purposes of this Act as the manager of a mine, nor an under-manager of a mine, nor a person who is for the time being treated for the purposes of this Act as such an under-manager shall, by virtue of subsection (1), be guilty of an offence by reason of a contravention by the owner of the mine of—
 - (a) any provision of this Act, of an order made thereunder or of regulations, being a provision which expressly imposes on the owner of the mine a duty or requirement or a prohibition; or
 - (b) any prohibition, restriction or requirement which, by virtue of a notice served under or by virtue of this Act by [^{F72} the Executive] or an inspector, is expressly imposed on the owner of the mine; [^{F73} or
 - (c) any requirement or prohibition expressly imposed by or under such health and safety regulations as are mentioned in paragraph (d) of subsection (1) of this section on the owner of the mine;]or of a contravention of section 3.

F72 SR 1999/150

F73 SR 1980/333

F74 SR 1980/333

131 Supplementary provisions as to offences. **N.I.**

- (1) Without prejudice to the operation of section 8 of the Accessories and Abettors Act 1861 and [^{F75} Article 59 of the Magistrates' Courts (Northern Ireland) Order 1981], any person who induces or procures, or consents to or connives at, the commission of an offence under this Act, shall be guilty of an offence.
- (2) If any persons are employed at a mine otherwise than in accordance with the provisions of this Act, orders made thereunder and regulations, there shall be deemed to be a separate contravention in respect of each person so employed.
- (3) If a person acts as manager of a mine in contravention of the provisions of subsection (1) of section 5, of any condition attached to an approval granted under that subsection or of a direction given by a notice served under subsection (2) of that section, there shall be deemed to be a separate contravention in relation to each mine as manager of which he acts.

Status: Point in time view as at 01/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

F75 1981 NI 26

132 Working, &c., of horses in parts of mine below ground. N.I.

- (1) If any person takes any horse to or works any horse in any part of a mine below ground, he shall be guilty of an offence.
- (2) In this section “horse” includes a pony, mule, hinny or ass.

133 Penalty for offences for which no express penalty is provided. N.I.

- (1) A person guilty of an offence under [^{F76} section 129(1) of] this Act ...^{F77} shall be liable—
 - (a) if he is the owner of a mine, a person to whom instructions have been given by the owner of a mine in pursuance of section 1, the manager of a mine, a person who is for the time being treated for the purposes of this Act as the manager of a mine, an under-manager of a mine, a person who is for the time being treated for the purposes of this Act as such an under-manager or the surveyor for a mine, to a fine not exceeding two hundred pounds; and
 - (b) if not, to a fine not exceeding twenty pounds;
- (2) Where a person is convicted of an offence under [^{F76} section 129(1) of] this Act and the contravention in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and shall be liable, in addition to any other penalty, to a fine not exceeding five pounds for each day on which the contravention is so continued.
- (3) Where the court by which a person is convicted of any such offence as aforesaid is satisfied that the contravention in respect of which he is convicted—
 - (a) was likely to cause the death of, or serious bodily injury to, a person employed at the mine in relation to which the contravention occurred or a dangerous accident; or
 - (b) was likely to endanger the safety of any such person;

the court may impose upon the person convicted (either in addition to, or in substitution for, a fine) imprisonment for a term not exceeding three months.

F76 SR 1980/333

F77 SR 1980/333

134 Defence available to person charged with offence not committed personally. N.I.

In any proceedings under this Act which, by virtue of section 130(1), are taken against a person in respect of the contravention by a person other than himself of—

- (a) a provision of the Act, of an order made thereunder or of regulations, being a provision which expressly imposes on that other person or on persons of a class to which, at the time of the contravention, he belonged, a duty or requirement or expressly prohibits him or persons of such a class or all persons from doing a specified act; or

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- (b) a prohibition, restriction or requirement which by virtue of a notice served under or by virtue of this Act by^[F78] the Executive] or an inspector is expressly imposed on that other person; ^[F79] or
- (c) a requirement or prohibition imposed by or under health and safety regulations which expressly apply to all mines, any class of mine or a particular mine being a requirement expressly imposed on that person or on persons of a class to which, at the time of the contravention, he belonged, or a prohibition expressly imposed on him or on persons of such class or on all persons from doing a specified act;]

it shall be a defence for the person charged to prove that he used all due diligence to secure compliance with the provision, prohibition, restriction or requirement, as the case may be.

F78 SR 1999/150

F79 SR 1980/333

135 Persons not to be under liability for contraventions which it was impracticable to avoid or prevent. **N.I.**

It shall be a defence in any legal proceedings to recover damages and in any prosecution, in so far as the proceedings or prosecution are or is based on an allegation of a contravention, in relation to a mine, of—

- (a) a provision of this Act, of an order made thereunder or of regulations (not being a provision which expressly provides that a person is to be guilty of an offence); or
- (b) a direction, prohibition, restriction, or requirement given or imposed by a notice served under or by virtue of this Act by^[F80] the Executive] or an inspector; or
- (c) a condition attached to an exemption, consent, approval or authority granted or given under or by virtue of this Act by^[F80] the Executive]; ^[F81] or
- (d) a requirement or prohibition imposed by or under such health and safety regulations as are mentioned in subsection (1)(d) of section 130 of this Act;]

to prove that it was impracticable to avoid or prevent the contravention.

F80 SR 1999/150

F81 SR 1980/333

136 Special defence available to mine under-managers with limited jurisdiction. **N.I.**

- (1) In any proceedings which, by virtue of subsection (1) of section 130, are taken in respect of such a contravention as is mentioned in that subsection against an under-manager of a mine acting as such, being an under-manager whose jurisdiction is limited to part only of the mine, it shall be a defence for him to prove that the contravention did not take place in, or in relation to, the part of the mine to which his jurisdiction was limited and that no act or omission of his caused or contributed to the contravention.
- (2) Subsection (1) shall apply to a person who is for the time being treated for the purposes of this Act as an under-manager of a mine, being a person whose jurisdiction is limited

Status: Point in time view as at 01/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

to part only of the mine, as it applies to an under-manager whose jurisdiction is so limited.

137 Liability of owners for breaches of statutory duty by their servants. N.I.

For the removal of doubts it is hereby declared that the owner of a mine is not absolved from liability to pay damages in respect of a contravention, in relation to the mine, by a person employed by him of—

- (a) a provision of this Act, of an order made thereunder or of regulations; or
- (b) a prohibition, restriction or requirement imposed by a notice served under or by virtue of this Act by^{F82} the Executive] or an inspector;

by reason only that the provision contravened was one which expressly imposed on that person or on persons of a class to which, at the time of the contravention, he belonged, a duty or requirement or expressly prohibited that person, or persons of such a class or all persons from doing a specified act or, as the case may be, that the prohibition, restriction or requirement was expressly imposed on that person or that that person was, in pursuance of this Act or regulations, appointed by a person other than the owner.

F82 SR 1999/150

138 Liability of parents for unlawful employment of young persons. N.I.

If a young person is employed at a mine in contravention of the provisions of this Act or regulations, the parent of the young person shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding^{F83} level 2 on the standard scale], unless it appears to the court that the contravention occurred without the consent, connivance or wilful default of the parent.

F83 1984 NI 3

S.139 rep. by SR 1980/333

140 Removal or defacement of notices, &c. N.I.

If, without reasonable excuse, a person removes, ...^{F84}

- (a) a notice which is for the time being posted at a mine in pursuance of any provision of this Act or regulations; or
- (b) a document which, in pursuance of section 114, is for the time being provided in accommodation provided in pursuance of that section;

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding^{F85} level 1 on the standard scale].

F84 1977 NI 4

F85 1984 NI 3

141 Prosecution of offences. N.I.

- (1) Any offence under [^{F86} section 129(1) of] this Act ...^{F87} be tried ...^{F87} summarily ...^{F87}.

Status: Point in time view as at 01/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

Subs.(2)#(5) rep. by SR 1980/333

F86 SR 1980/333
F87 SR 1980/333

142 Restriction on institution of certain proceedings. N.I.

No proceedings for an offence under [^{F88} section 129(1) of] this Act shall be instituted against any such person as is mentioned in section 133(1)(a) except by an inspector or by or with the consent of the Ministry or the Attorney General.

F88 SR 1980/333

143 Duty to report results of proceedings against persons employed at mines. N.I.

- (1) An owner or manager of a mine by whom are instituted proceedings against a person employed at the mine for an offence under this Act shall, within twenty-one days after the conclusion of the trial of that person for that offence, give to [^{F89} the Executive] notice of the result of the trial and shall also, within twenty-one days after the conclusion of any proceedings by way of appeal arising out of the trial, give to [^{F89} the Executive] notice of the result of those proceedings.
- (2) For the purposes of this section the bringing of proceedings before the High Court to quash a conviction by order of certiorari shall be deemed to be an appeal.

F89 SR 1999/150

144 Liability of parents for unlawful employment of children. N.I.

For the purposes of any proceedings under this Act in respect of the employment of children in contravention of section 1 of the Employment of Women, Young Persons and Children Act 1920 ^{M3} (which contains provisions that prohibit the employment of children in factories, mines and quarries and, so far as they relate to mines, are incorporated with this Act), the references in section 138 to a young person shall be construed as including references to a child within the meaning of the said section 1.

Marginal Citations

M3 1920 c. 65

Status: Point in time view as at 01/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

PART XIII **N.I.**

MISCELLANEOUS AND GENERAL

N.I.

SUPPLEMENTARY PROVISIONS

145 Division of mines. **N.I.**

- (1) Where two or more parts of a mine are worked separately, then, if the owner of the mine by notice served on^[F90 the Executive] so requires, each such part shall, until the notice is withdrawn by a subsequent notice served by the owner on^[F90 the Executive], be treated for the purposes of this Act as a separate mine; but where the parts of a mine worked separately, or any of them, have a common system of ventilation or any part of a system of ventilation in common, a notice under this subsection requiring that each part of the mine that is worked separately shall be treated as a separate mine shall be of no effect unless it is approved by^[F90 the Executive] by notice served on the owner of the mine.
- (2) A notice under subsection (1) requiring that each part of a mine worked separately shall be treated as a separate mine shall be of no effect unless it specifies the points of separation of all roads connecting the parts of the mine that are worked separately.
- (3) If an inspector reports to^[F90 the Executive] that he is of opinion with respect to a mine whereof parts are, by virtue of this section, for the time being treated for the purposes of this Act as separate mines, that the division of the mine prejudices or is likely to prejudice the safety or health of the persons employed thereat (or any of them),^[F90 the Executive] may serve on the owner of the mine a notice directing that subsection (1) shall cease to apply to the mine.

The provisions of this Part with respect to references upon notices served by^[F90 the Executive] shall apply to a notice served under this subsection.

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| F90 SR 1999/150 |
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146 Provisions as to references upon notices served by the Ministry. **N.I.**

- (1) The following provisions of this section shall apply in relation to any notice served under any provision of this Act or regulations by^[F91 the Executive] on the owner or manager of a mine, being a notice which is expressly declared to be one to which the provisions of this Part with respect to references upon notices served by^[F91 the Executive] are to apply.
- (2) If the person on whom any such notice is served or, in a case where it is served on two or more persons, any of them, by a counter-notice duly served on^[F91 the Executive] demands a reference upon the notice, it shall stand referred to such person or persons as may, at the request of^[F91 the Executive], be nominated by the Lord Chief Justice after consultation, if the Lord Chief Justice thinks fit, with the President of the Institution of Mining Engineers.

Status: Point in time view as at 01/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

- (3) Where a referee nominated under subsection (2) is of the opinion that he requires the assistance of one or more than one person possessing special knowledge or qualifications, he may, after consultation with the Lord Chief Justice and also, in a case where the assistance required is that of a person having special knowledge of or qualifications with respect to matters relating to mines, after consultation with the President of the Institution of Mining Engineers, appoint such a person or persons to sit with him on the hearing of the reference and act as an assessor or assessors.
- (4) On a reference under this section upon any such notice, any of the following persons may appear in person or be represented, and may give evidence and call such witnesses as that person thinks fit, that is to say:—
- (a) any person on whom the notice was served;
 - (b) [^{F91}the Executive];
 - (c) an inspector;
 - (d) any association or body representative of a majority of the total number of persons employed at the mine to which the notice relates;
 - (e) any other persons appearing to the referee or referees to be affected by the notice or any association or body representative of any such persons.
- (5) The following provisions shall have effect with respect to the quashing or confirmation of any such notice upon a reference thereon under this section, namely,—
- (a) if no relevant ground of objection to the notice is established to the satisfaction of the referee or referees, he or they shall confirm the notice;
 - (b) if a relevant ground of objection is so established, the referee or referees shall quash the notice unless he or they is or are of opinion that the objection can be met by modification of the notice, in which case the referee or referees shall confirm the notice subject to such modification as appears to him or them to meet the objection;
- and where the notice is confirmed subject to any modification it shall take effect as modified.
- (6) For the purposes of subsection (5)—
- (a) in the case of any such notice served under a provision of this Act (other than section 145(3)), any of the following grounds which are appropriate to the circumstances of the case shall be a relevant ground of objection, namely,—
 - (i) that compliance with a prohibition, restriction or requirement sought to be imposed by or by virtue of the notice is, wholly or to a particular extent, unnecessary, inadvisable for reasons of safety or impracticable;
 - (ii) that any period limited by the notice is insufficient for the purpose of enabling any works to be executed or other thing done;
 - (b) in the case of a notice served under section 145(3), the relevant ground of objection shall be that the division of the mine to which the notice relates neither prejudices nor is likely to prejudice the safety or health of any of the persons employed at the mine;
 - (c) in the case of a notice served under any provision of regulations, the relevant ground or grounds of objection shall be such as may be prescribed.
- (7) Save as otherwise expressly provided by this Act or regulations, any such notice shall not become operative in any event until the expiration of the period within which a

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reference thereon may be demanded under this section or, if within that period such a reference is so demanded, until the notice is confirmed by the referee or referees.

- (8) The quashing under this section of any such notice shall neither be taken to prevent the service by^{F91} [the Executive] of a fresh notice nor, if the notice became operative before it was quashed, affect the previous operation thereof.
- (9) The Ministry may make rules for regulating references under this section and, in particular, for making provision with respect to the costs of such references (including the payment of remuneration and allowances to referees or assessors) and for specifying the form of a counter-notice under subsection (2) and the period within which such a notice must be served.

F91 SR 1999/150

S.147 rep. by SLR 1976

148 Parliamentary control of orders, rules and regulations. N.I.

- (1) All orders, rules and regulations made by the Ministry under this Act (other than an order made under section 106(3) or expressed to relate only to a particular mine, or regulations made under section 120(3) or 128(1) or special regulations) shall be subject to negative resolution.
- (2) Orders made under section 106(3) and regulations made under section 120(3) or 128(1) shall be subject to affirmative resolution.

149 Mode of service of notices under this Act. N.I.

- (1) In addition to any method of service permitted by section 24 of the Interpretation Act (Northern Ireland) 1954, a notice required ...^{F92} by [^{F93} section 35(1)(b)] ...^{F92} of this Act to be served on the owner of a mine may be served—
 - (a) where the owner is an individual by leaving it at the office at the mine or by sending it by registered post or the recorded delivery service addressed to him at the proper postal address of the mine;
 - (b) where the owner is a firm, by delivering it to any partner of the firm or by leaving it at, or sending it by registered post or the recorded delivery service to, the office of the firm.
- (2) A notice required ...^{F92} by [^{F93} section 35(1)(b)] ...^{F92} of this Act to be served on the manager of a mine may be served by delivering it to him, by leaving it at the office at the mine or by sending it by registered post or the recorded delivery service addressed to him at the proper postal address of the mine.
- (3) The provisions of the said section 24 and the foregoing provisions of this section shall apply to the giving of a notice, or the sending or lodging of any document, as they apply to the service of a notice.

F92 SR 1980/333

F93 SR 1980/333

Status: Point in time view as at 01/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

150 Provisions as to exemptions, &c. **N.I.**

- (1) Any power conferred by this Act or regulations [^{F94} or health and safety regulations which expressly apply to all mines, any class of mine or a particular mine] on [^{F95} the Executive] or an inspector to grant, give or impose an exemption, consent, approval, authority, direction, requirement, prohibition or restriction or to make a determination shall be construed as including a power exercisable in the like manner and subject to the like conditions, if any, to vary or revoke the exemption, consent, approval, authority, direction, requirement, prohibition, restriction or determination.
- (2) Any exemption, consent, approval or authority granted or given under this Act or regulations [^{F94} or such health and safety regulations] by [^{F95} the Executive], or by an inspector exercising any function conferred on him under section 120(3), may (subject to any express provision of this Act or regulations [^{F94} or such health and safety regulations]) be without limit of period or limited so as to expire on a specified date unless renewed, and may be absolute or conditional.

F94 SR 1980/333

F95 SR 1999/150

151 Articles certified or approved in Great Britain. **N.I.**

An article of a type for the time being certified or approved by the Minister of Power^{F96} for the purposes of the Mines and Quarries Act 1954^{M4} or regulations made thereunder shall be treated as certified or approved by [^{F97} the Executive] for the purposes of this Act or, as the case may be, regulations, unless [^{F97} the Executive], by notice published in the Belfast Gazette and otherwise brought to the notice of persons concerned in such manner as [^{F97} the Executive] thinks fit, directs that it shall not be so treated.

F96 Now S of S, SI 1969/1498; 1970/1537; 1974/692

F97 SR 1999/150

Marginal Citations

M4 1954 c. 70

S.152 rep. by SR 1980/333

S.153 rep. by SLR 1976

S.154 rep. by SR 1980/333

155 Application to the Crown. **N.I.**

This Act shall be binding on the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

Status: Point in time view as at 01/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

N.I.

INTERPRETATION

156 Meaning of “mine”. **N.I.**

- (1) In this Act the expression “mine” means an excavation or system of excavations 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.
- (2) For the purposes of this Act there shall, subject to subsection (3) and section 160(1), be deemed to form part of a mine so much of the surface (including buildings, structures and works thereon) surrounding or adjacent to the shafts or outlets of the mine as is occupied together with the mine for the purpose of, or in connection with, the working of the mine, the treatment, preparation for sale, consumption or use, storage or removal from the mine of the minerals or products thereof gotten from the mine or the removal from the mine of the refuse thereof.
- (3) For the purposes of this Act there shall not be deemed to form part of a mine premises in which a manufacturing process is carried on otherwise than for the purpose of the working of the mine or the preparation for sale of minerals gotten therefrom.
- (4) For the purposes of this Act premises for the time being used for depositing refuse from a single mine, being premises exclusively occupied by the owner of that mine, shall be deemed to form part of that mine and premises for the time being used for depositing refuse from two or more mines, being premises occupied by the owner of one of those mines (either exclusively or jointly with the owner of the other or any of the others) shall be deemed to form part of such one of those mines as^{F98} the Executive] may direct.
- (5) For the purposes of this Act a railway line serving a single mine (not being a railway line falling within subsection (2) or a railway line belonging to a railway company) shall be deemed to form part of that mine and a railway line jointly serving two or more mines (not being a railway line falling within subsection (2) or a railway line belonging to a railway company) shall be deemed to form part of such one of them as^{F98} the Executive] may direct.
- (6) For the purposes of this Act a conveyor or aerial ropeway provided for the removal from a mine of minerals gotten therefrom or refuse therefrom shall be deemed to form part of the mine.

F98 SR 1999/150

157 Meaning of “owner”. **N.I.**

- (1) Subject to the provisions of this section, in this Act the expression “owner” means, in relation to a mine, the person for the time being entitled to work it.
- (2) Where the business of a person who, by virtue of the foregoing provisions of this section is, for the purposes of this Act, to be taken to be owner of a mine is carried on by a liquidator, receiver or manager, or by some other person authorised to carry it on by an order of a court of competent jurisdiction, the liquidator, receiver, manager

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or other person shall be taken for the purposes of this Act to be an additional owner of the mine.

158 General interpretation provisions. **N.I.**

(1) In this Act—

Definition rep. by SR 1981/339

[^{F99} “central rescue station” means a station providing facilities common to a number of mines for the conduct of fire-fighting and rescue operations;]

“contravention” includes, in relation to—

- (a) a direction, prohibition, restriction or requirement given or imposed by a notice served under or by virtue of this Act by [^{F100} the Executive] or an inspector; or
- (b) a condition attached to an exemption, consent, approval or authority granted or given under or by virtue of this Act by [^{F100} the Executive] or by an inspector exercising any function conferred on him under section 120(3); [^{F101} or
- (c) a prohibition or requirement imposed by or under health and safety regulations which expressly apply to all mines, any class of mine or a particular mine;]

a failure to comply with the direction, prohibition, restriction, requirement or condition, and the expression “contravene” shall be construed accordingly;

[^{F100} “the Department” means the Department of Economic Development]

“doctor” means a fully registered person within the meaning of [^{F102} section 55 of the Medical Act 1983];

[^{F100} “the Executive” means the Health and Safety Executive for Northern Ireland]

“gas” includes fume or vapour;

“gravity operated rope haulage apparatus” means rope haulage apparatus worked solely by the action of gravity on a vehicle or vehicles attached to a rope forming part of the apparatus;

“gravity operated winding apparatus” means winding apparatus worked solely by the action of gravity on a part of it in which a load is carried;

[^{F101} “health and safety regulations” has the meaning assigned to it by Article 17(1) of the Health and Safety at Work (Northern Ireland) Order 1978 ;]

“inset” means, in relation to shaft or outlet of a mine, a heading, chamber or other space driven or excavated from the shaft or outlet, being a heading, chamber or space to which access can only be had from the shaft or outlet and not being a heading, chamber or space the sole or main purpose of the driving or excavation of which is the getting of minerals or products of minerals;

[^{F99} “inspector” means an inspector appointed by [^{F100} the Executive] under Article 21 of the Health and Safety at Work (Northern Ireland) Order 1978 for carrying into effect the provisions of the Act of 1969;]

“legal proceedings” includes arbitration;

“mechanically operated rope haulage apparatus” means rope haulage apparatus worked by a stationary engine;

“mechanically operated winding apparatus” means winding apparatus worked by a stationary engine;

“minerals” includes stone, slate, clay, gravel, sand and other natural deposits except peat;

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Definition rep. by SR 1999/150

“notice” means a notice in writing;

“parent” means a parent^{F103} of a young person or any person who is not a parent of his but who has parental responsibility for him (within the meaning of the Children (Northern Ireland) Order 1995)], and includes, in relation to any young person, a person having direct benefit from his wages;

“permitted lights” means, in relation to a mine or a part of a mine, locked safety-lamps and any other means of lighting the use of which below ground in mines generally, in mines of a class to which that mine belongs or in that mine is authorised by regulations^{F104} or health and safety regulations];

“prescribed” has the meaning assigned to it by section 120(5);

“railway company” means any person working a railway that is used for the purposes of public traffic, whether passenger, goods or other traffic;

“regulations”, “general regulations” and “special regulations” have, subject to subsection (5) of section 120 the meanings respectively assigned to them by that subsection;

“road” does not include an unwalkable outlet;

“rope” includes chain;

“rope haulage apparatus” means apparatus for transporting loads in vehicles attached to ropes;

“safety-lamp mine” means a mine in no part of which below ground is the use of lamps or lights other than permitted lights lawful;

“safety-lamp part of a mine” means a part of a mine other than a safety-lamp mine, being a part below ground in which either the use of lamps or lights other than permitted lights is unlawful or safety-lamps are for the time being in use by way of temporary precaution;

“sanitary conveniences” includes urinals, water-closets, earth-closets, ash-pits, privies and any similar convenience;

“shaft” means a shaft the top of which is, or is intended to be, at the surface;

“staple-pit” means a shaft connecting two or more levels of underground working and not connecting any such level directly to the surface, and includes a winze;

“statutory responsibilities” means responsibilities under this Act, orders made thereunder and regulations;

“support rules” has the meaning assigned to it by section 54(1);

“transport rules” has the meaning assigned to it by section 37(1);

“unwalkable outlet” means an outlet which, owing to the gradient thereof or of any part thereof (whether alone or in combination with other circumstances), persons cannot walk up with reasonable convenience;

“winding apparatus” means, in relation to a mine shaft or staple-pit, apparatus for lowering and raising loads through the shaft or staple-pit;

“woman” means a woman who has attained the age of eighteen years;

“young person” means a person who is over compulsory school age but has not attained the age of eighteen years.

(2) For the purposes of this Act mine workings having a common system of ventilation, or any part of a system of ventilation in common, shall be deemed to form part of the same mine.

(3) For the purposes of this Act—

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Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

- (a) the working of a mine shall be deemed to include the operation of driving a shaft or outlet therefor;
 - (b) a mine shall be deemed to be worked notwithstanding that the only operations carried on thereat are operations carried on with a view to abandoning the mine or for the purpose of removing, or of preventing the flow therefrom of, water or material that flows when wet, but shall not be deemed to be worked by reason only that pumping operations are carried on thereat for the purpose of supplying water to any person.
- (4) References in this Act to the use of safety-lamps by way of temporary precaution shall, in relation to a mine, be construed as references to the occasional or intermittent use of locked safety-lamps by workmen employed below ground in the mine in a place in which the use of naked lights might be dangerous and, in relation to a part of a mine below ground, be construed as references to the occasional or intermittent use of locked safety-lamps by workmen employed in that part in such a place.

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| F99 | SR 1980/333 |
| F100 | SR 1999/150 |
| F101 | SR 1980/333 |
| F102 | 1983 c. 54 |
| F103 | 1995 NI 2 |
| F104 | SR 1991/13 |

159 Application of Act to training mines. **N.I.**

- (1) For the purposes of this Act an excavation or system of excavations made for training purposes shall be deemed to be a mine, and the use for those purposes of any premises which are a mine as defined by section 156(1) or are, by virtue of this section, deemed to be a mine shall be deemed, for the purposes of this Act, to constitute the working of the mine; but the Ministry may by order direct that this Act shall, in its application to any such premises as aforesaid which are used exclusively for training purposes, have effect subject to such exceptions, adaptations and modifications as may be specified in the order.
- (2) In this section the expression “training purposes” means the purposes of instructing or training below ground persons in, or in any work connected with, mining minerals.

N.I.

RELATIONSHIP OF THE OFFICE AND SHOP PREMISES ACT (NORTHERN IRELAND) 1966 AND THIS ACT IN CASE OF CERTAIN PREMISES

160 Office and Shop Premises Act to continue to apply to colliery storage premises until appointed day. **N.I.**

- (1) Until such day as the Minister of Commerce^{F105} . . . may by order^{F105} appoints] the Office and Shop Premises Act (Northern Ireland) 1966^{M5} shall continue to apply to colliery storage premises, and accordingly, for the purposes of any provision of this Act which corresponds to a provision of the said Act of 1966, section 156(2) shall have effect as if any reference therein to so much of the surface as is occupied together with

Status: Point in time view as at 01/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

a mine for the purpose of, or in connection with, the storage of the minerals or products thereof gotten from the mine did not include a reference to colliery storage premises.

- (2) In subsection (1) “colliery storage premises” means fuel storage premises (within the meaning of the said Act of 1966) which form part of premises which, for the purposes of this Act, form part of a mine.
- (3) As from the day appointed under subsection (1), section 1(3) of the said Act of 1966 shall have effect as if—
- (a) in paragraph (*a*)(v) thereof, after the words “dock storage premises” , there were inserted the words “ or colliery storage premises ” ; and
 - (b) after paragraph (*d*) there were inserted the following paragraph:—
 - “(e) colliery storage premises' means fuel storage premises which form part of premises which, for the purposes of the enactments for the regulation of mines, form part of a mine, other than premises where persons are regularly employed to work by a person other than the owner (as defined by those enactments) of the mine.” .

F105 [1982 NI 11](#)

Marginal Citations

M5 [1966 c. 26](#)

N.I.

GENERAL

S. 161 rep. by 1995 NI 12

S.162, with Schedule 4, effects amendments; Subs. (1) rep. by 1983 NI 4

S.163, with Schedule 5, effects repeals

S.164 rep. by SLR 1976; SR 1980/333

165 **General savings.** **N.I.**

- (1) Nothing in this Act shall affect—
- (a) any special regulation made under an enactment repealed by this Act;
 - (b) any order with respect to fees, notification of accidents or the manner in which persons are to be searched, being an order made under an enactment repealed by this Act or by the Coal Mines Act 1911 ;
 - (c) any rule made under section 50 of the said Act of 1911; or
 - (d) any certificate issued, exemption, consent, approval, permission or authority granted or any other thing done under an enactment repealed by this Act;

but any such regulation, rule or order so made or any certificate, exemption, consent, approval, permission, authority or thing so issued, granted or done shall, if in force at the commencement of this Act and so far as it could have been made, issued, granted or done under this Act, have effect as if it had been so made, issued, granted or done.

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Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

- (2) Any document referring to any Act or enactment repealed by this Act shall be construed as referring to this Act or the corresponding enactment in this Act.
- (3) Any inquiry or formal investigation under section 11 or 83 of the Coal Mines Act 1911 which is uncompleted at the commencement of this Act may be carried on and completed in all respects as if this Act had not passed.

Subs.(4) rep. by 1972 NI 16

166 Saving for persons managing certain small mines at commencement of this Act. N.I.

A person who, immediately before the commencement of this Act, is, by virtue of subsection (3) of section 2 of the Coal Mines Act 1911, exercising and performing, in relation to a mine of coal, stratified ironstone, shale or fireclay then exempt from the provisions of that section, the powers and duties conferred and imposed by that Act on the manager of a mine, may be manager of that mine or another mine of coal, stratified ironstone, shale or fireclay at any time at which the number of persons employed below ground in the mine does not exceed thirty and no direction is in force with respect to the mine under subsection (2)(*b*) or subsection (3) of section 4, notwithstanding that he does not possess the qualifications required by this Act for appointment as manager thereof.

167 Saving for common law rights of workmen, &c. N.I.

No provisions of this Act, or any order made thereunder or of regulations shall be construed as derogating from any rule of law with respect to the duties owed by employers to their employees (including, in particular, but without prejudice to the generality of the foregoing words, the duty to provide a safe system of working), and section 1 shall not be construed as derogating from any obligation imposed by or by virtue of any other provision of this Act upon the owner of a mine.

168 Commencement. N.I.

Commencement

169 Short title. N.I.

This Act may be cited as the Mines Act (Northern Ireland) 1969.

Status: Point in time view as at 01/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

SCHEDULES

N.I.

Schedules 1, 2 rep. by SR 1980/333

SCHEDULE 3 N.I.

Section 127.

INQUIRIES INTO FITNESS OF HOLDERS OF CERTIFICATES AND DELIVERY UP AND CUSTODY OF CERTIFICATES IN CONNECTION WITH PROSECUTIONS AND INQUIRIES

PART I N.I.

INQUIRIES INTO FITNESS OF HOLDERS OF CERTIFICATES

- 1 The tribunal holding an inquiry under section 127 shall consist of a person or persons appointed by^{F106} the Executive], and may conduct the inquiry either alone or with the assistance of an assessor or assessors so appointed.

F106 SR 1999/150

- 2 [^{F107}the Executive] may pay to the person or persons constituting the tribunal and to any assessor appointed to assist the tribunal such remuneration and allowances as the Ministry with the approval of the Ministry of Finance^{F108} may determine.

F107 SR 1999/150

F108 functions transf. to D/CS, SR 1976/281

- 3 The inquiry shall be public and shall be held at such place as^{F109} the Executive] may appoint.

F109 SR 1999/150

- 4 [^{F110}the Executive] shall, before the beginning of the inquiry, furnish to the person whose fitness to continue to hold a certificate is to be inquired into a statement of the case on which the inquiry is instituted.

F110 SR 1999/150

- 5 The said person may appear at the inquiry either in person or by counsel, solicitor or agent, and may give evidence and call such witnesses as he thinks fit.

Status: Point in time view as at 01/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

- 6 At the conclusion of the inquiry the tribunal shall send to^{F111} the Executive] a report containing a full statement of the case and the opinion of the tribunal thereon and such report of, or extracts from, the evidence as the tribunal thinks fit.

F111 SR 1999/150

- 7 The tribunal shall, for the purposes of the inquiry, have power—
- (a) to enter and inspect any place or building the entry or inspection of which appears to the tribunal requisite for the said purposes;
 - (b) by summons signed by the tribunal to require any person to attend, at such time and place as is specified in the summons, to give evidence or to produce any documents in his custody or under his control which the tribunal considers it necessary for the purposes of the inquiry to examine;
 - (c) to require a person appearing at the inquiry to furnish to any other person appearing thereat, on payment of such fee, if any, as the tribunal thinks fit, a copy of any document offered, or proposed to be offered, in evidence by the first-mentioned person;
 - (d) to take evidence on oath, and for that purpose to administer oaths, or, instead of administering an oath, to require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined;
 - (e) to adjourn the inquiry from time to time; and
 - (f) subject to sub-paragraphs (a) to (e), to regulate the procedure of the tribunal.
- 8 A person attending as a witness before the tribunal shall be entitled to be paid by^{F112} the Executive] such travelling and other allowances, including compensation for loss of remunerative time, as the Ministry with the approval of the Ministry of Finance^{F113} may determine.

F112 SR 1999/150

F113 functions transf. to D/CS, SR 1976/281

- 9 The tribunal may make such orders as it thinks fit respecting the payment of the costs and expenses of the inquiry and any such order shall, on the application of any person entitled to the benefit thereof be enforceable by a court of summary jurisdiction as if the amount ordered to be paid were a sum adjudged to be paid by an order of that court.
- 10 If a person—
- (a) without reasonable excuse (proof whereof shall lie on him) fails, after having the expenses, if any, to which he is entitled tendered to him, to comply with any summons or requisition of the tribunal; or
 - (b) does any other thing which would, if the tribunal had been a court of law having power to commit for contempt, have been contempt of that court;

he shall be guilty of an offence.

Status: Point in time view as at 01/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

PART II **N.I.**

DELIVERY UP AND CUSTODY OF CERTIFICATES IN CONNECTION WITH PROSECUTIONS AND INQUIRIES

- 11 The holder of any such certificate as is mentioned in section 127 may, after notice of intention to make an application under subsection (1) of that section has been duly served on him, be required by the court dealing with a complaint or trying an indictment for an offence alleged to have been committed by him, or may be required by a tribunal making inquiry under that section, to deliver up his certificate to the court or, as the case may be, the tribunal at the hearing.
- 12 A certificate so delivered up may be retained by the court or tribunal until the conclusion of the proceedings, except that a certificate delivered up to the court shall be returned to the holder thereof on his making an election under section 127(2)(b).
- 13 Where the court or tribunal cancels or suspends a certificate it shall, at the conclusion of the proceedings, send^[F114 the Executive] notice thereof and shall also send^[F114 the Executive] the certificate for retention by it.

F114 SR 1999/150

- 14 Where on an appeal (whether by way of case stated or otherwise) the conviction of the holder of the certificate is quashed or the cancellation or suspension thereof is quashed or varied, the solicitor for the prosecution shall send notice thereof to^[F115 the Executive]; and where on an appeal by way of case stated the Court of Appeal remits the matter to a court of summary jurisdiction or a county court, notice of the order of the court on the remission shall be sent to^[F115 the Executive] by the court of summary jurisdiction or county court, as the case may be.

F115 SR 1999/150

- 15 Where a certificate has been sent to^[F116 the Executive] under paragraph 13,^[F116 the Executive] shall—
- (a) on receipt of a notice that the conviction of the holder thereof, or the cancellation or suspension thereof, has been quashed; or
 - (b) on the expiration of any period for which the certificate stands suspended (whether after conviction or appeal);
return the certificate to the holder.

F116 SR 1999/150

- 16 For the purposes of this Part, the bringing of proceedings before the High Court to quash a conviction by order of certiorari shall be deemed to be an appeal.

N.I.

Status: Point in time view as at 01/04/2012.

Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

N.I.

Schedule 5—Repeals

Status:

Point in time view as at 01/04/2012.

Changes to legislation:

There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969.