
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 67

HEALTH AND SAFETY

**Mines (Substances Hazardous to Health)
Regulations (Northern Ireland) 1998**

Made - - - - *4th March 1998*

Coming into operation *14th April 1998*

The Department of Economic Development, being the Department concerned⁽¹⁾, in exercise of the powers conferred on it by Articles 17(1) to (6) and 55(2) of, and paragraphs 1(1) and (2), 2(1), 5(1), 7, 8, 10, 12(1) and (3), 13, 14(1) and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978⁽²⁾ and of every other power enabling it in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to the Department to be appropriate, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Mines (Substances Hazardous to Health) Regulations (Northern Ireland) 1998 and shall come into operation on 14th April 1998.

Amendment of the Control of Substances Hazardous to Health Regulations (Northern Ireland) 1995

2. Regulation 5(1)(d) of the Control of Substances Hazardous to Health Regulations (Northern Ireland) 1995⁽³⁾ is hereby revoked.

Amendment to section 74 of the Mines Act (Northern Ireland) 1969

3.—(1) For subsection (1) of section 74 of the Mines Act (Northern Ireland) 1969⁽⁴⁾ there shall be substituted the following subsection—

“(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.”.

(1) See Article 2(2) of S.I. 1978/1039 (N.I. 9)

(2) S.I. 1978/1039 (N.I. 9)

(3) S.R. 1995 No. 51; relevant amending Regulations are S.R. 1995 No. 60

(4) 1969 c. 6 (N.I.); relevant amending Regulations are S.R. 1980 No. 333

Status: This is the original version (as it was originally made).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

(2) In section 74(2) of the Mines Act (Northern Ireland) 1969, the words “or dust of such character and in such quantity as to be likely to be injurious to the persons employed” are hereby repealed.

Sealed with the Official Seal of the Department of Economic Development on

L.S.

4th March 1998.

Philip B. Strong
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make provision with regard to substances hazardous to health at mines. They implement as respects Northern Ireland and below ground at mines Council Directive [90/394/EEC](#) (O.J. No. L196, 26.7.90, p.1) on the protection of workers from the risks related to exposure to carcinogens at work and Council Directive [90/679/EEC](#) (O.J. No. L374, 31.12.90, p.1) on the protection of workers from risks related to exposure to biological agents at work.

Regulation 2 extends the application of the Control of Substances Hazardous to Health Regulations (Northern Ireland) 1995 (“the COSHH Regulations”) to below ground mines.

In consequence *regulation 3* amends section 74 of the Mines Act (Northern Ireland) 1969 to provide that the general duties therein in respect of injurious dust (as opposed to inflammable dust) at mines no longer apply. Such duties in relation to injurious dust are now controlled by the COSHH Regulations.

In Great Britain, the corresponding Regulations are the Mines (Substances Hazardous to Health) Regulations 1996 and the Coal Mines (Respirable Dust) Regulations 1978 as amended. The Health and Safety Executive has prepared a cost benefit assessment in relation to the Mines (Substances Hazardous to Health) Regulations 1996 and a copy of that assessment, together with the Northern Ireland Supplement prepared by the Department, is held at 83 Ladas Drive, Belfast, BT6 9FJ, from where copies may be obtained on request.

A person who contravenes the Regulations or any requirement or prohibition imposed thereunder is guilty of an offence under Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 and is liable, on summary conviction, to a fine not exceeding the statutory maximum (currently £5,000) or, on conviction on indictment, to a fine.