
STATUTORY RULES OF NORTHERN IRELAND

2022 No. 9

HEALTH AND SAFETY

The Mines (Amendment) Regulations (Northern Ireland) 2022

Made - - - - *20th January 2022*

Coming into operation *21st March 2022*

The Department for the Economy, being the Department concerned⁽¹⁾, makes the following Regulations in exercise of the powers conferred by Articles 17(1) and (2) and paragraphs 7, 8 and 12(3) of Schedule 3 to the Health and Safety at Work (Northern Ireland) Order 1978 (“the 1978 Order”)⁽²⁾.

The Regulations give effect without modifications to proposals submitted to the Department concerned by the Health and Safety Executive for Northern Ireland under Article 13(1A)⁽³⁾ of the 1978 Order after carrying out consultation in accordance with Article 46(3)⁽⁴⁾ of the 1978 Order.

Citation and commencement

1. These Regulations may be cited as the Mines (Amendment) Regulations (Northern Ireland) 2022 and come into operation on 21st March 2022.

Amendment of the Mines Regulations (Northern Ireland) 2016

2.—(1) The Mines Regulations (Northern Ireland) 2016⁽⁵⁾ are amended as follows.

(2) In regulation 2(1), for the definition of “action level” substitute—

““action level” in relation to respirable dust, means a concentration in air equal to or greater than 3mg/m³ as a time-weighted average over a 40 hour period;”.

(3) Omit regulation 44.

(4) In regulation 45—

(a) in paragraph (5) omit “and respirable crystalline silica”; and

(1) See Article 2(2) of [S.I. 1978/1039 \(N.I. 9\)](#). Formerly the Department of Enterprise, Trade and Investment; see [2016 c. 5](#), section 1(3); that Department was formerly the Department of Economic Development; see [S.I. 1999/283 \(N.I. 1\)](#), Article 3(5); that Department was formerly the Department of Manpower Services, see [S.I. 1982/846 \(N.I. 11\)](#), Article 3

(2) [S.I. 1978/1039 \(N.I. 9\)](#): the general purposes of Part II referred to in Article 17(1) were extended by [S.I. 1992/1728 \(N.I. 17\)](#), Articles 3(1) and 4(1). Articles 17(4) and 55(2) were amended and Article 20(2) substituted by [S.I. 1998/2795 \(N.I. 18\)](#), Article 6(1) and Schedule 1

(3) Article 13(1) was substituted by [S.I. 1998/2795 \(N.I. 18\)](#), Article 4

(4) Article 46(3) was amended by [S.I. 1998/2795 \(N.I. 18\)](#), Article 6(1) and Schedule 1, paragraphs 8 and 18

(5) [S.R. 2016 No. 427](#)

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- (b) in paragraph (6)—
- (i) in the words before sub-paragraph (a) omit “or respirable crystalline silica”, and
 - (ii) in sub-paragraph (a) omit “relevant”.

Sealed with the Official Seal of the Department for the Economy on 20th January 2022.



Colin Jack
A senior officer of the
Department

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Mines Regulations (Northern Ireland) 2016 ([S.R. 2016 No.427](#)) (“the 2016 Regulations”). They make provision to implement Directive (EU) 2017/2398, of the European Parliament and of the Council of 12 December 2017 amending [Directive 2004/37/EC](#) on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (OJ No. L345, 27.12.2017, p. 87-95), in relation to coal mine workers in Northern Ireland.

Regulation 2(2) substitutes a new definition of “action level” in regulation 2(1) of the 2016 Regulations in order to remove the reference to respirable crystalline silica.

Regulation 2(3) omits regulation 44 of the 2016 Regulations so that the Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003 ([S.R. 2003 No. 34](#)) apply to respirable crystalline silica dust below ground in coal mines.

Regulation 2(4) amends regulation 45 of the 2016 Regulations to remove all references to respirable crystalline silica.

A regulatory impact assessment has not been prepared for these Regulations as no, or no significant, impact on the private, voluntary or public sector is foreseen.