



Mines and Quarries Act 1954

1954 CHAPTER 70

PART III

SAFETY, HEALTH AND WELFARE (MINES)

Duties of Officials and Workmen in Cases of Danger

79 Withdrawal of workmen in cases of danger

- (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:—
 - (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 the foregoing paragraph, 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) of this subsection (or, in a case where that paragraph does not apply, paragraph (a) of this subsection) 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) The foregoing subsection 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;

Status: This is the original version (as it was originally enacted).

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 it is free from all danger (whether constituted by the presence of inflammable gas or otherwise howsoever):

Provided that 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 paragraph (c) of subsection (1) of this section, 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 proviso, 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 paragraph (c) of subsection (1) of this section 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 ;
 - (b) if, being a place other than such a place as is mentioned in the foregoing paragraph, 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) of this section 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

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—

Status: This is the original version (as it was originally enacted).

- (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.