



Mines and Quarries Act 1954

1954 CHAPTER 70 2 and 3 Eliz.2

PART III

SAFETY, HEALTH AND WELFARE (MINES)

Provisions for securing safe Ingress and Egress

[^{F1}22] Provision of shafts and outlets in coal, &c., mines.

- (1) Subject to the provisions of this section, it shall not be lawful for any persons to be employed below ground in a mine of coal, stratified ironstone, shale or fireclay unless there are available, for affording to them alternative, and ready, means of ingress and egress, two shafts or outlets (whether belonging exclusively to that mine or not) which, except where they were sunk before the first day of January, eighteen hundred and sixty-five, are at no point separated from each other by less than [^{F2}15 metres] or (where the sinking thereof began before the first day of January, eighteen hundred and eighty-eight) ten feet.
- (2) Where the employment of persons in an area consisting of the whole or any part of a mine below ground would, apart from the following provisions of this subsection be, by virtue of the foregoing subsection, unlawful in consequence of a shaft or outlet having, as a result of an accident or breakdown, become unavailable for affording to persons employed in that area ready means of ingress and egress, but the manager of the mine is satisfied with respect to that area or any part thereof that persons employed in that area or, as the case may be, that part thereof will not for the time being be exposed to undue risk by reason of that shaft or outlet being unavailable as aforesaid, then if he—
 - (a) posts in a conspicuous position at the mine a notice specifying the accident or breakdown and the said area and stating that he is satisfied as aforesaid with respect to that area or, as the case may be, that part thereof and the reason why he is so satisfied; and
 - (b) sends, by the quickest means available, to the inspector for the district and the person, if any, for the time being nominated under the provisions of [^{F3}the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations

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1985]relating to the notification of accidents to receive on behalf of the persons employed at the mine notices under the said provisions, a message to the like effect as the notice mentioned in the foregoing paragraph;

there shall be excepted from the operation of the foregoing subsection—

- (i) the employment in that area or, as the case may be, that part thereof, until the end of his period of work, of any person who was below ground in the mine at the time of the accident or breakdown;
- (ii) the employment in that area or, as the case may be, that part thereof, until the expiration of the period of twenty-four hours beginning with the time at which the accident or breakdown occurred, of any person in work necessary for securing the safety of the mine or the welfare of animals employed therein or rendering that shaft or outlet again available for the purpose for which it was available immediately before the accident or breakdown:

Provided that nothing in paragraph (i) or (ii) of this subsection shall authorise the employment of any person at any time after the receipt by the manager of the mine of notification from an inspector that, in his opinion, that person should be withdrawn from the area or part of the area in question.

(3) . . . ^{F4} an inspector, upon an application in that behalf made to him with respect to a mine, may, by notice served on the manager of the mine, exempt from the operation of subsection (1) of this section the employment of persons below ground in the mine or in such part of the mine below ground as may be specified in the notice:

Provided that no exemption shall be granted under this subsection by . . . ^{F4} an inspector unless . . . ^{F4} the inspector, . . . ^{F4}, is satisfied that no persons employed in the mine will be exposed to undue risk in consequence of the granting of the exemption.

(4) ^{F5}

(5) In any claim against the owner or manager of a mine for damages, being a claim arising out of an accident caused by a decision of the manager made for the purposes of subsection (2) of this section, the defendant shall, unless he proves that the manager was not negligent in making that decision, be liable in all respects as if the plaintiff had proved that the manager was negligent in making that decision.

(6) For the purposes of this section a shaft or unwalkable outlet at a mine provided with apparatus for carrying persons through the shaft or outlet shall be deemed not to be available to a person employed below ground in the mine for affording to him means of ingress and egress if that apparatus is not available for use by him.

(7) In the application of this section to Scotland, for references to a plaintiff and a defendant there shall respectively be substituted references to a pursuer and a defender.

(8) Nothing in this section shall apply to the employment of persons in a shaft or outlet or in the insets of a shaft or outlet.]

Textual Amendments

- F1** Ss. 22–25, 33–35 repealed (1.4.1989, in part, and 1.4.1994, fully) by S.I. 1988/1729, **regs. 1(1), 12(1)(a)**
- F2** Words substituted by S.I. 1976/2063, **reg. 3(1), Sch. 1 Pt. II** except as to shafts sunk, or as the case may be, lengths of road made before 1.2.1977
- F3** Words substituted by virtue of S.I. 1985/2023, **reg. 13(1), Sch. 7 Pt. III para. 1(a)**
- F4** Words omitted by virtue of S.I. 1974/2013, **Sch. 2 para. 4**

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F5 Ss. 4(4), 12(2), 21, 22(4), 26 repealed by S.I. 1974/2013, **Sch. 1 Pt. I**

[^{F6}23 Communications between shafts and outlets in coal, &c., mines.

- (1) So long as, in a mine of coal, stratified ironstone, shale or fireclay, more than one shaft or outlet is available to any persons employed below ground in the mine for affording to them means of ingress and egress, there shall be provided and maintained between—
- (a) each entrance to each shaft or outlet that is available to those persons for that purpose, being an entrance whereby those persons gain access to the shaft or outlet from the workings; and
 - (b) some point or points on another shaft or outlet so available;
a communication following a reasonably short and reasonably convenient route.
- (2) The height of every communication provided in pursuance of the foregoing subsection shall be maintained throughout at not less than [^{F7}1.5 metres] and the width of every such communication shall be maintained throughout at not less than [^{F7}1.2 metres]:
Provided that—
- (a) . . . ^{F8}
 - (b) if an inspector is satisfied that, owing to special circumstances affecting a particular mine of coal, stratified ironstone, shale or fireclay, it is inadvisable for reasons of safety or unnecessary, in the case of all or any of the communications provided as aforesaid therein, for the minimum height or width, or height and width, thereof to be as great as provided by the foregoing provisions of this subsection, he may, by notice served on the manager of the mine, direct that those provisions shall have effect in their application to those communications or to such of them as may be specified in the notice, with the substitution, for the minimum specified in the said provisions in relation to height, that so specified in relation to width or both of those minima, as the case may be, of such less minimum or minima as may be specified in the notice.]

Textual Amendments

- F6** Ss. 22–25, 33–35 repealed (1.4.1989, in part, and 1.4.1994, fully) by S.I. 1988/1729, **regs. 1(1), 12(1)**
(a)
- F7** Words substituted by S.I. 1976/2063, **Sch. Pt. I**
- F8** S. 23(2)(a) repealed by S.I. 1974/2013, **Sch. 1 Pt. I**

[^{F9}24 Limitation on number of persons to be employed at coal, &c., mines in places with single exits.

- (1) Subject to the provisions of this section, it shall not be lawful for more than nine persons to be employed at any time below ground in a mine of coal, stratified ironstone, shale or fireclay in a place from which there are not two ways each of which—
- (a) leads to a different shaft or outlet, being a shaft or outlet provided for affording to persons employed at that place means of ingress and egress;
 - (b) is entirely separate from the other;
 - (c) is traversable with safety and reasonable convenience;

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- (d) at each junction thereof with another way has clearly marked on it the shaft or outlet to which it leads; and
- (e) if it is so prescribed, is of a height or width, or height and width, not less than such as may be prescribed;
- or for more than nine persons in the aggregate to be so employed in two or more such places from none of which can egress to the surface be had otherwise than by traversing a common junction.
- (2) As respects a particular mine of coal, stratified ironstone, shale or fireclay, provision may be made by regulations or by a notice served by . . . ^{F10} an inspector on the manager of the mine—
- (a) for exempting the mine or any specified place therein from all or any of the requirements of the foregoing subsection;
- (b) for directing that the foregoing subsection shall, in its application to the mine or to any specified place therein, have effect with the substitution, for references to nine persons, of references to such greater number of persons (not exceeding thirty) as may be specified in the regulations or notice:
- Provided that no such provision as aforesaid shall be made with respect to a mine by . . . ^{F10} an inspector unless . . . ^{F10} the inspector, . . . ^{F10}, is satisfied that no persons employed in the mine will be exposed to undue risk or inconvenience in consequence of the making of such provision.
- (3) Nothing in this section shall apply to the employment of persons in a shaft or outlet.]

Textual Amendments

- F9** Ss. 22–25, 33–35 repealed (1.4.1989, in part, and 1.4.1994, fully) by S.I. 1988/1729, **regs. 1(1), 12(1)**
(a)
- F10** Words omitted by virtue of S.I. 1974/2013, **Sch. 2 para. 4**

[^{F11}25] **Limitation on number of persons to be employed at coal, &c., mines in shafts and outlets and their insets.**

- (1) It shall not be lawful for a number of persons greater than the permitted number to be employed at any time at a mine of coal, stratified ironstone, shale or fireclay in a shaft or outlet:
- Provided that, in relation to an outlet (not being an unwalkable outlet), this subsection shall not apply to any part thereof lying between the surface entrance thereto and any point therein from which a communication leads to another outlet or to a shaft, being an outlet or shaft available to persons employed in the said part for affording to them means of ingress and egress.
- (2) For the purposes of this section—
- (a) the permitted number, in relation to a shaft or outlet, shall be twenty or such greater number (not exceeding thirty) as may be determined by an inspector by notice served on the manager of the mine;
- (b) the insets of a shaft or outlet shall be deemed to form part of the shaft or outlet; and
- (c) subsection (6) of section twenty-two of this Act shall apply as it applies for the purposes of that section.

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- (3) Nothing in this section shall be construed as prejudicing the operation of the last foregoing section in relation to the employment of persons in individual insets of a shaft or outlet.]

Textual Amendments

F11 Ss. 22–25, 33–35 repealed (1.4.1989, in part, and 1.4.1994, fully) by S.I. 1988/1729, **regs. 1(1), 12(1)(a)**

26 **F12**

Textual Amendments

F12 Ss. 4(4), 12(2), 21, 22(4), 26 repealed by S.I. 1974/2013, **Sch. 1 Pt. I**

27 **F13**

Textual Amendments

F13 S. 27 repealed by S.I. 1975/1102, **Sch. 1**

28 Provision of winding and haulage apparatus.

- (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 Minister 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 an inspector 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 [^{F14}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 Minister 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 an inspector in

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any particular case, by notice served on the manager of the mine, consents to its use not being so confined:

Provided that an inspector 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.

Textual Amendments

F14 Words substituted by S.I. 1976/2063, reg. 3(1), Sch. 1 Pt. II except as to shafts sunk, or as the case may be, lengths of road made before 1.2.1977

29 F15

Textual Amendments

F15 Ss. 29, 31(3), 32 repealed by S.I. 1974/2013, Sch. 1Pt. I

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