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STATUTORY INSTRUMENTS

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**1993 No. 1897**

The Management and Administration of  
Safety and Health at Mines Regulations 1993

PART VIII

MISCELLANEOUS AND GENERAL

**Disapplication of the Factories Act 1961 to mine premises**

**40.**—(1) Subject to paragraphs (2) and (3), none of the provisions of the Factories Act 1961<sup>(1)</sup> (“the 1961 Act”) shall apply to any premises forming part of a mine.

(2) Paragraph (1) shall not apply in a case where the mine is, for the time being, used for a purpose other than for, or in connection with, the getting of minerals or ensuring the safety of another mine and the Executive has issued an exemption certificate under regulation 38(2) exempting the mine from the relevant statutory provisions which expressly apply to all mines, to any class of mine to which the mine belongs or to the mine.

(3) Those provisions of the 1961 Act which are applied by section 127 of that Act to building operations and works of engineering construction shall apply to premises forming part of a mine except to—

- (a) building operations undertaken below ground; and
- (b) works of engineering construction whether undertaken above or below ground,

and in this paragraph the terms “building operation” and “work of engineering construction” have the same meanings as in section 176(1) of the 1961 Act.

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<sup>(1)</sup> 1961 c. 34, relevant amending instrument is S.I. 1974/1941.