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STATUTORY INSTRUMENTS

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**1993 No. 2331**

**HEALTH AND SAFETY**

**The Coal Mines (Owner's Operating Rules) Regulations 1993**

*Made* - - - - 27th September 1993  
*Laid before Parliament* 1st October 1993  
*Coming into force* - - 1st January 1994

The Secretary of State, in the exercise of powers conferred on him by sections 15(1), (2), and 6(b) and 82(3)(a) of, and paragraphs 1(1)(c), 15(1) and 21(b) and (c) of Schedule 3 to, the Health and Safety at Work etc. Act 1974<sup>(1)</sup> (“the 1974 Act”) and of all other powers enabling him in that behalf for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Coal Mines (Owner's Operating Rules) Regulations 1993 and shall come into force on 1st January 1994.

**Application**

2. These Regulations shall apply to mines of coal.

**Owner's operating rules**

3.—(1) The owner of a mine shall ensure that the mine is not worked unless there are in force rules made by the owner (in Regulations called “owner's operating rules”) which are suitable for that mine, are set down in writing and have been notified to the Health and Safety Executive forthwith.

(2) The owner shall ensure that—

- (a) the owner's operating rules, as for the time being in force, are brought to the attention of all persons at work at the mine (whether or not employed by the owner) who may be affected by them; and
- (b) so far as is practicable—

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(1) 1974 c. 37; sections 15(1) and 50(3), were amended by the Employment Protection Act 1975 (c. 71), Schedule 15, paragraphs 6 and 16(3) respectively.

- (i) all operations at the mine are undertaken in accordance with those rules in so far as they affect the conduct of the operations concerned, and
- (ii) those rules are observed by all persons at work at the mine.

(3) Where it is so reasonably required in the interests of health or safety at the mine, the Health and Safety Executive may, by notice in writing, require the owner to modify any of the owner's operating rules made by him (whether or not it is already in force) and, in such a case, the owner shall modify the rule in accordance with the terms of the notice and within the time limit specified in it.

#### **Subject of owner's operating rules**

4. The owner's operating rules shall relate to the subjects set out in the Schedule to these Regulations.

#### **Copies of the owner's operating rules to be kept in the covered accommodation**

5. The manager of the mine shall ensure that copies of the current owner's operating rules are kept and made available in the covered accommodation provided at the mine in accordance with regulation 36 of the Management and Administration of Safety and Health at Mines Regulations 1993(2).

#### **Defence on contravention of regulation 3(3)**

6. It shall be a defence in proceedings against any person for an offence consisting of a contravention of regulation 3(3) for that person to prove that at the time the proceedings were commenced—

- (a) an improvement notice under section 21 of the Health and Safety at Work etc. Act 1974 relating to that contravention had not been served on him; or
- (b) if such a notice had been served on him—
  - (i) the period for compliance therewith had not expired, or
  - (ii) he had appealed against the notice and that appeal had not been withdrawn or dismissed.

#### **Disapplication of section 157 of the 1954 Act**

7. Section 157 of the 1954 Act (which provides a defence in legal proceedings and prosecutions in certain circumstances) shall not apply in relation to any prosecutions or other legal proceedings based on an allegation of a contravention of a requirement or prohibition imposed by or under these Regulations.

Signed by order of the Secretary of State

*Ann Widdecombe*  
Parliamentary Under Secretary of State,  
Department of Employment

27th September 1993

## THE SCHEDULE

Regulation 4

### SUBJECT OF OWNERS'S OPERATING RULES

The owner's operating rules shall relate to—

- (a) ventilation of blind ends;
- (b) mine fires; and
- (c) frictional ignition.

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations are applied to coal mines by regulation 2.
2. By regulation 3, the owner of a mine is prohibited from working the mine unless there are in force suitable written rules made by the owner ("owner's operating rules"). The owner is required to notify the rules to the Health and Safety Executive. The owner is also required to ensure that the rules are brought to the attention of persons at work at the mine whom they affect and that operations at the mine are carried out in accordance with them.
3. The Health and Safety Executive is also empowered by that regulation to require the owner to modify any of the owner's operating rules made by him in the interests of health or safety at the mine.
4. Under regulation 4, the topics covered by the rules are set out in the Schedule and are—
  - (a) ventilation of blind ends;
  - (b) mine fires; and
  - (c) frictional ignition.
5. By regulation 5, copies of the owner's operating rules are required to be kept and made available at the covered accommodation at the mine, and regulation 6 provides a defence in a case where the owner has failed to modify the rules when required to do so by the Health and Safety Executive. Section 157 of the Mines and Quarries Act 1954 (which provides a defence in legal proceedings and prosecutions in certain circumstances) is disapplied in relation to these Regulations by regulation 7.