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STATUTORY INSTRUMENTS

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**1995 No. 2870**

**The Escape and Rescue from Mines Regulations 1995**

**PART V**

**MISCELLANEOUS**

**Power of Exemption**

**28.**—(1) Subject to paragraph (2) the Executive may, by a certificate in writing, exempt any mine or class of mines or any person or class of persons from all or any of the prohibitions or requirements of these Regulations, and any such exemption may be granted subject to conditions and to a limit of time and may be revoked at any time by a certificate in writing.

(2) The Executive shall not grant any such exemption unless, having regard to the circumstances of the case, and in particular to—

- (a) the conditions, if any, which it proposes to attach to the exemption; and
- (b) any other requirements imposed by or under any enactment which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption will not be prejudiced in consequence of it.

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

**29.** Section 157 of the 1954 Act shall not apply to any legal proceedings or prosecution which are based on an allegation of a contravention of these Regulations.

**Defence in proceedings for contravention of regulation 12(2)(a)(iii)**

**30.** In any proceedings against a person for an offence consisting of a contravention of regulation 12(2)(a)(iii) it shall be a defence for that person to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of that offence.

**Transitional provisions**

**31.**—(1) Subject to paragraph (3), in the case of every mine of coal which is not a tourist mine and at which ten or fewer persons are employed below ground it shall be sufficient compliance with the requirements of Part II of these Regulations if the requirements are complied with within 12 months from the date of coming into force of these Regulations (in this regulation referred to as the “transitional period”).

(2) Subject to paragraph (3), in the case of every tourist mine and every mine which is not a mine of coal it shall be sufficient compliance with the requirements of these Regulations if they are complied with within the transitional period.

(3) Where any mine of a type described in paragraph (1) or (2) is worked for the first time or reopened within the transitional period, those paragraphs shall cease to apply to the mine from the date on which the work or reopening commences.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## **Revocations**

**32.**—(1) Regulations 12 to 37 of, and Schedules 1, 2 and 3 to the Coal and Other Mines (Fire and Rescue) Regulations, 1956<sup>(1)</sup> (“The 1956 Regulations”) are hereby revoked.

(2) In regulation 1 of the 1956 Regulations the words “and Part IV thereof to every mine of coal or shale, other than a mine at which not more than ten persons are employed below ground,” shall be revoked.

(3) In regulation 38 of the 1956 Regulations the definitions for “fresh air base” and “fully trained in rescue work” shall be revoked.

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<sup>(1)</sup> S.I. 1956/1768; as amended by S.I. 1978/1648, S.I. 1980/942, and S.I. 1992/2966.