
STATUTORY INSTRUMENTS

2014 No. 3248

The Mines Regulations 2014

PART 10

TRANSITIONAL PROVISIONS, REPEALS,
REVOCATIONS AND MODIFICATIONS

Transitional provisions: general

71.—(1) Where enforcement action has been initiated against an owner, manager or employer in relation to a mine by the Executive before the commencement date, that action continues as if the action had been commenced against the mine operator on that date.

(2) Any action taken by the Executive or an inspector with respect to a mine in relation to any of the relevant statutory provisions in force before the commencement date continues to have effect in relation to the mine operator so that it is the duty of the mine operator to carry out any remedial actions or operations that the owner, manager or principal employer of employees at the mine was under an obligation to carry out or achieve immediately before the commencement date.

(3) A document prepared by the owner, manager or an employer at a mine and sufficient for the purposes of the provision in column 1 of table 1 in force immediately before the commencement date may be relied upon by the mine operator as evidence that an assessment, process, procedure or scheme required by the corresponding provision of these Regulations in column 2 of table 1 has been made or is in place.

Table 1

<i>Column 1</i>	<i>Column 2</i>
Regulation 11(2) of MASHAM	regulation 15(1)(a)
Regulation 4(5)(a) of the Mines Miscellaneous Health and Safety Provisions Regulations 1995(1)	regulation 20(1)
Regulation 5 of the Mines (Control of Ground Movement) Regulations 1999(2)	regulation 32(3)
Regulation 6(5)(a) of the Mines (Precautions Against Inrushes) Regulations 1979(3)	regulation 35(2)(a)
Section 37(1) of the 1954 Act	regulation 42

(1) [S.I. 1995/2005](#). Regulation 4(5) was inserted by [S.I. 1999/3242](#).
(2) [S.I. 1999/2463](#).
(3) [S.I. 1979/318](#).

Status: This is the original version (as it was originally made).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

<i>Column 1</i>	<i>Column 2</i>
Regulation 4(1) of the Coal Mines (Control of Inhalable Dust) Regulations 2007(4)	regulation 45(2)
Regulation 27(1) of MASHAM	regulation 58(1)
Regulation 10 of the 1971 Regulations	regulation 66(1)

(4) Where, immediately before the commencement date, anything is kept at a place other than a mine in accordance with the relevant statutory provisions, that place shall be deemed to be suitable for the purposes of these Regulations.

(5) In this regulation, references to enforcement action are to steps taken by an inspector under sections 20 to 22 and 25 of the 1974 Act in relation to a particular mine or to proceedings instituted under the 1974 Act in any court and requiring the owner, manager, employer or mine operator to do or not to do anything.

Transitional provisions: tips

72.—(1) A mine operator must carry out by 5th April 2016 the first appraisal of a tip that, immediately before the commencement date, was not classified within the meaning of regulation 2(1) of the 1971 Regulations.

(2) Where, before the commencement date, a report has been obtained in accordance with regulation 9(2)(a), 12(1) or 18(1) of the 1971 Regulations and is less than two years old, that report—

- (a) must be treated as a geotechnical assessment for the purpose of regulation 62; and
- (b) remains valid for two years from the date on which it was made.

Transitional provision: Winsford mine

73.—(1) Where explosives were being stored below ground at Winsford mine in accordance with the Winsford Regulations immediately before the commencement date, the mine operator of that mine on the commencement date is deemed to hold a licence granted by the Executive under regulation 13 of the 2014 Regulations (the “deemed licence”).

(2) The requirements set out in regulations 4(2) to (4), 6, 7, 7(a) and 9(1) to (5) and (7) of the Winsford Regulations have effect as if they were conditions of the deemed licence and as if references to the mine manager in those regulations were references to the mine operator.

(3) The deemed licence remains in force until 6th April 2020 unless it is revoked before that date under regulation 23 of the 2014 Regulations.

(4) In this regulation—

- (a) “Winsford mine” means the Winsford Rock Salt Mine, Winsford, Cheshire (formerly known as the Meadow Bank Mine); and
- (b) “Winsford Regulations” means the Meadow Bank Mine (Explosives) Special Regulations 1963(5).

(4) [S.I. 2007/1894](#).

(5) [S.I. 1963/815](#), amended by [S.I. 1974/2223](#). These are special regulations within the meaning of section 141(5) of the 1954 Act and therefore not subject to parliamentary control (section 174 of that Act). They are not published by HMSO. A copy of the Regulations is available from the Health and Safety Executive, Redgrave Court, Merton Road, Bootle, L20 7HS.

Repeals and revocations

74.—(1) The provisions of the Acts specified in column 1 of Schedule 3 are repealed to the extent set out in the corresponding entry in column 2.

(2) The instruments specified in Part 1 of Schedule 4 are revoked in full.

(3) The instruments specified in column 1 of Part 2 of Schedule 4 are revoked to the extent specified in the corresponding entry in column 2.

Modifications

75. The modifications specified in Schedule 5 have effect.

Review

76.—(1) Before the end of the review period, the Secretary of State must—

- (a) carry out a review of these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) In carrying out the review, the Secretary of State must, so far as is reasonably practicable, have regard to how other member States have implemented Council Directive [1992/104/EEC](#)(6) on the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries, which regulations 7, 9 to 17, 19, 20, 22, 23, 25, 26, 28, 29, 32 to 34, 37, 39, 41 to 43, 45 to 50, 53, 55 to 57, 59, 60 and 69 implement.

(3) The report must, in particular,—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) In this regulation, “review period” means the period of five years beginning with the commencement date.