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STATUTORY INSTRUMENTS

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**2014 No. 3248**

**The Mines Regulations 2014**

**PART 2**

**HEALTH AND SAFETY MANAGEMENT**

**Duties of the owner**

5.—(1) The owner of a mine must not appoint another person to be the mine operator unless that person is suitable and has sufficient resources to be able to operate the mine safely.

(2) Where the owner of a mine appoints another person to be the mine operator, the owner must provide the mine operator with any relevant information that is available, or that becomes available, about circumstances that might affect the health and safety of persons at the mine.

(3) Where the owner of a mine appoints another person to be the mine operator, a written statement of that appointment must be signed by the owner and the mine operator and a copy must be provided to the mine operator.

(4) The owner must keep the record, and the mine operator must keep the copy, referred to in paragraph (3) for the duration of the appointment.

**Notification of mining operations**

6.—(1) At least 28 days before a mine is worked, the mine operator must notify the information specified in paragraph (2) to the Executive in writing.

(2) The information to be notified under paragraph (1) is—

- (a) the name and address of the mine;
- (b) the name and address of the owner; and
- (c) the name and address of the mine operator and whether the mine operator is an individual, a corporation or a partnership.

(3) Where an event specified in paragraph (4) occurs, the mine operator must notify the Executive in writing of the event within 28 days of that event occurring.

(4) The events to be notified to the Executive under paragraph (3) are—

- (a) any change in the name, address or location of the mine;
- (b) any change in the name, address or location of the mine operator;
- (c) the use of a mine for a purpose other than the extraction of mineral;
- (d) the abandonment of the mine or a seam or vein system, shaft or outlet.

(5) In the case of a mine which is in existence or under construction on the commencement date, subject to regulation 71 (transitional provisions: general), notification that has been made under

section 139 of the 1954 Act<sup>(1)</sup> or under regulation 7 of MASHAM is deemed to be notification under paragraph (1).

### **General duties of the mine operator**

7.—(1) The mine operator must take the necessary measures to ensure, so far as is reasonably practicable, that the mine and its equipment are designed, constructed, equipped, commissioned, operated and maintained in such a way that persons at work can perform the work assigned to them without endangering their own health and safety or the health and safety of others.

(2) The mine operator must coordinate all measures relating to the health and safety of persons at work at the mine and their implementation.

(3) The mine operator must ensure that, in the event of the abandonment or ceasing of operations at a mine, the mine is left, so far as is reasonably practicable, in a safe condition.

### **Co-operation**

8. Every employer of persons at work at a mine and every person at work at a mine must co-operate with the mine operator to the extent necessary to enable the mine operator to comply with the relevant statutory provisions.

### **Health and safety document**

9.—(1) The mine operator must ensure that no work is carried out at the mine unless a document (in these Regulations referred to as the “health and safety document”) has been prepared which—

- (a) demonstrates that the risks to which persons at the mine are exposed have been assessed in accordance with regulation 3 of the Management Regulations<sup>(2)</sup>;
- (b) demonstrates that adequate measures, including measures concerning the design, use and maintenance, including (where appropriate) testing, of the mine and of its equipment, have been and will continue to be taken to safeguard the health and safety of persons at the mine;
- (c) includes a statement of how the measures referred to in sub-paragraph (b) will be co-ordinated; and
- (d) records the following information—
  - (i) rules required by regulation 12; and
  - (ii) the conclusions of any appraisal or assessment of a tip undertaken in accordance with regulation 61 or 62 (as applicable).

(2) In addition to the matters referred to in paragraph (1), the health and safety document must, where appropriate, include—

- (a) a plan detailing the equipment and measures required to protect persons at work at the mine from the risk of explosion;
- (b) where toxic gases are or may be present in the atmosphere at the mine in such concentration that the atmosphere may be harmful to the health and safety of persons at work, a plan detailing the equipment and measures required to protect persons at work at the mine from the harmful atmosphere; and
- (c) in respect of any zone below ground where rockbursts or gas outbursts may occur, a description, including an operating plan, setting out as far as possible the zones susceptible to such rockbursts or gas outbursts and the measures necessary for the protection of persons at work in, approaching or passing through such zones.

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(1) Section 139 was repealed by [S.I. 1999/2024](#).

(2) Regulation 3 was amended by [S.I. 2003/2457](#) and [2005/1541](#) and by [SSI 2006/457](#).

(3) In relation to the escape and rescue plan required by regulation 54, the health and safety document must identify those with responsibility for the preparation and execution of the plan and the places where the plan and copies of it are kept.

(4) The mine operator must ensure that the health and safety document is—

- (a) reviewed from time to time and kept up to date; and
- (b) made available to each employer of persons at work at the mine and to all persons at work at the mine.

(5) The mine operator must ensure that the measures identified in the health and safety document are taken and any plans included in the document are followed.

### **Management structure**

**10.**—(1) With a view to securing the health and safety of persons at work at the mine, the mine operator must—

- (a) establish a management structure which enables the mine to be operated in accordance with the relevant statutory provisions;
- (b) make a record of the management structure and the extent of the authority and duties of persons in that structure;
- (c) appoint a competent individual to be responsible for the overall management of the mine, provided that where the mine operator is an individual and is competent, the mine operator may discharge the functions of that competent individual;
- (d) ensure that when, for whatever reason, the individual appointed in accordance with subparagraph (c) is not readily available, a competent individual is nominated as a substitute to hold the authority and perform the duties of the first named individual;
- (e) ensure that a competent individual is present at and in charge of the operation of the mine at all times when persons are working at the mine; and
- (f) ensure that sufficient competent individuals are appointed to the management structure to manage the mine safely.

(2) Without prejudice to the generality of paragraph (1), the management structure must be established to provide in particular that all persons working in the mine come under the authority of a competent person in the management structure who has a duty to exercise such supervision as is appropriate to ensure the health and safety of those persons and of all others who may be affected by their activities.

(3) The mine operator must ensure that the management structure is reviewed regularly and revised where necessary and in particular if the mine undergoes significant changes, extensions or conversions.

(4) The mine operator must ensure that each person who forms part of the management structure is provided with a copy of those parts of the health and safety document which describe that person's authority and duties.

(5) The reference to a competent individual in charge in paragraph (1)(c) is a reference to that individual in charge subject to the overall control exercised by the mine operator.

### **Competence**

**11.** The mine operator must ensure that—

- (a) no person undertakes any work at the mine unless the person either is competent to do that work or does so under the instruction and supervision of some other person who is competent to give instruction in, and to supervise, the doing of that work; and

- (b) no work is undertaken at the mine unless a sufficient number of persons are present who have the requisite competence to perform the tasks assigned to them.

### **Instructions, rules and schemes**

**12.**—(1) The mine operator must ensure that—

- (a) rules are in place at the mine with a view to securing—
  - (i) the health and safety of persons at the mine; and
  - (ii) the safe use of equipment; and
- (b) copies of all current instructions, rules and schemes required to be made under these Regulations—
  - (i) are given to any person at work at the mine upon whom they impose duties; and
  - (ii) are comprehensible to all persons at work at the mine to whom they apply.

(2) The mine operator must take all reasonable measures to ensure that each person at work at the mine understands any instructions, rules and schemes made under these Regulations which are relevant to that person.

(3) The mine operator must ensure, so far as is reasonably practicable, that any instructions, rules and schemes made under these Regulations are followed or (as appropriate) complied with, by persons at work at the mine.

### **Permits to work**

**13.**—(1) Where it is shown by the health and safety document that such a measure is necessary, the mine operator must make arrangements for a system of permits (referred to in this regulation as “permits to work”) to carry out—

- (a) hazardous operations; and
  - (b) operations which are usually straightforward but which may interact with other activities to cause serious hazards.
- (2) A permit to work must—
- (a) be issued by a suitable person in the management structure required by regulation 10; and
  - (b) specify the conditions to be fulfilled and the precautions to be taken before, during and after the work concerned.

### **Inspection of the mine**

**14.**—(1) The mine operator must—

- (a) make arrangements for the systematic inspection of all parts of the mine below ground—
  - (i) where people work or pass; or
  - (ii) which otherwise could have an effect on the health and safety of persons at work at the mine;
- (b) divide the mine into districts for the purpose of inspection under paragraph (a), taking due account of—
  - (i) the extent of each district;
  - (ii) conditions (including risk) in each district; and
  - (iii) other relevant circumstances;

- (c) prepare and keep up to date a suitable written scheme for the inspection of the mine required by paragraph (a);
  - (d) appoint sufficient competent persons to undertake the activities referred to in this regulation;
  - (e) ensure that, where appropriate, suitable written reports are made of the inspections and that each report records significant defects and the steps taken, or proposed to be taken, to remedy them; and
  - (f) ensure that any proposed steps in a report are taken, provided they are appropriate.
- (2) This regulation does not apply to shafts.

### **Maintenance and inspection of equipment**

- 15.**—(1) The mine operator must—
- (a) prepare and keep up to date a suitable written scheme for the systematic inspection, maintenance and testing of all electrical and mechanical plant and equipment at the mine, with a view to ensuring the health and safety of the persons at work in the mine;
  - (b) ensure that, where appropriate, suitable written reports are made of the inspections and that each report records significant defects and the steps taken, or proposed to be taken, to remedy them; and
  - (c) ensure that any proposed steps in a report are taken, provided they are appropriate.
- (2) Schemes and written reports made for the purposes of paragraph (1) are presumed to be adequate to evidence fulfilment of the duties in regulations 5(2) and 6(3) of PUWER.
- (3) This regulation does not apply to winding apparatus.

### **Record of persons below ground**

- 16.** The mine operator must ensure that a record is kept of every person below ground at the mine.

### **Danger areas**

- 17.** The mine operator must ensure that—
- (a) danger areas are clearly identified;
  - (b) there is a suitable barrier or enclosure to prevent, so far as is reasonably practicable, inadvertent entry by any unauthorised person to a danger area; and
  - (c) where any person is authorised to enter the danger area, appropriate measures are taken to protect that person's health and safety.

### **Power of safety representatives to report imminent risk**

- 18.** Where two or more safety representatives (within the meaning of regulation 2(1) of the Safety Representatives and Safety Committees Regulations 1977<sup>(3)</sup>) consider that there is an imminent risk of serious personal injury arising from an activity carried out below ground at a mine, they—
- (a) may make a report in writing to the mine operator; and
  - (b) may provide a copy of that report to the Executive.

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(3) [S.I. 1977/500](#).