EXPLANATORY NOTE

(This note is not part of the order, but is intended to indicate its general purport.)

This order is made under the Mines and Quarries Act, 1954, s. 190, which empowers the Minister of Fuel and Power to re-enact (to the extent to which they could be enacted in regulations made under the Act and subject to modifications of the kind specified in that section) the provisions of regulations which will cease to have effect at the commencement of the Act.

The provisions set out as regulations in the schedule to this order apply to quarries, and specify various requirements, prohibitions and restrictions with regard to the installation, construction and use of electrical apparatus thereat. Provision is also made with respect to the protection and examination of such apparatus. These regulations comprise, and will at the commencement of the Act replace, provisions of the Quarries General Regulations (Electricity), 1938.

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6. TREATMENT AND CARE OF ANIMALS

1956 No. 1777

The Coal and Other Mines (Horses) Order, 1956

Made - - - -	*7th November*, 1956
Laid before Parliament	*26th November*, 1956
Coming into Operation	*1st January*, 1957

Whereas by subsection (1) of section one hundred and ninety of the Mines and Quarries Act, 1954(a) (hereinafter referred to as "the Act"), the Minister of Fuel and Power (hereinafter referred to as "the Minister") is empowered to re-enact (to the extent to which they could by virtue of the Act be enacted in regulations made under section one hundred and forty-one thereof)—

(*a*) provisions of any regulation having effect by virtue of section eighty-six of the Coal Mines Act, 1911(b);

(*b*) provisions of any enactment repealed by section one hundred and eighty-nine of the Act in so far as that enactment is not re-enacted in the Act;

subject to such modifications (if any) as appear to him to be consequential on the passing of the Act or requisite for the purpose either of bringing those provisions into conformity with the Act or of expressly limiting their operation to mines of the class to which their operation is limited immediately before the commencement of the Act.

And Whereas by subsection (2) of that section it is provided amongst other things that an order under subsection (1) shall set out in a schedule to the order the provisions thereby re-enacted and may direct that those provisions shall have effect as if they were regulations made under section one hundred and forty-one of the Act:

Now, therefore, the Minister in pursuance of the powers conferred upon him by section one hundred and ninety of the Act hereby orders as follows:—

1.—(1) The provisions set out in the first schedule hereto, being provisions of regulations and enactments specified in the second schedule hereto subject to such modifications as aforesaid, are hereby re-enacted and shall have

(a) 2 & 3 Eliz. 2. c. 70. (b) 1 & 2 Geo. 5. c. 50.

effect as if they were regulations made under section one hundred and forty-one of the Act coming into operation at the commencement of the Act.

(2) The provisions set out in the first schedule hereto may be cited as the Coal and Other Mines (Horses) Regulations, 1956.

2. This order shall come into operation at the commencement of the Act and may be cited as the Coal and Other Mines (Horses) Order, 1956.

Dated this seventh day of November, nineteen hundred and fifty-six.

Aubrey Jones,
Minister of Fuel and Power.

FIRST SCHEDULE

THE COAL AND OTHER MINES (HORSES) REGULATIONS, 1956, HAVING EFFECT AS IF MADE UNDER SECTION ONE HUNDRED AND FORTY-ONE OF THE MINES AND QUARRIES ACT, 1954.

Application

1. These regulations shall apply to every mine of coal, stratified ironstone, shale or fireclay, and in these regulations "mine" means such a mine.

Age and health of horses employed below ground

2. No horse shall—

(*a*) be taken below ground at a mine unless it has attained the age of four years; or

(*b*) be taken or allowed to be below ground at a mine if it is blind.

3. No horse shall be taken below ground at a mine unless as shortly as practicable before being so taken it has been subjected to a test for the purpose of ascertaining whether it is suffering from glanders, and has been certified to be free therefrom, by a duly registered veterinary surgeon (in these regulations referred to as a "veterinary surgeon").

4.—(1) It shall be the duty of the manager of every mine to ensure that every horse employed below ground at that mine is, at intervals not exceeding twelve months, examined by a veterinary surgeon.

(2) A report of every such examination (including a certificate as to the fitness or permanent or temporary unfitness of the horse concerned for work or for work below ground at the mine, as the case may be) shall forthwith be recorded in the book in which the record relating to that horse is required to be kept in pursuance of paragraph (1) of regulation ten of these regulations, and signed by the veterinary surgeon who made the examination.

(3) Any horse certified as aforesaid to be permanently unfit for work or for work below ground at a mine shall (if below ground) forthwith be brought to the surface.

(4) No horse certified as aforesaid to be permanently or temporarily unfit for work shall be disposed of alive otherwise than for immediate destruction or to a home of rest maintained for the reception of animals not then fit for work or to a responsible person not carrying on the business of dealing in horses.

(5) Where a horse, having been certified as aforesaid to be permanently unfit for work or for work below ground at a mine, is destroyed or otherwise disposed of, a statement of the manner of that disposal shall be recorded forthwith by a person appointed for the purpose by the manager in the book in which the record relating to that horse was last required to be kept in pursuance of paragraph (1) of regulation ten of these regulations.

Carriage of horses

5. No horse shall be carried through any part of a mine on a vehicle except when it is impracticable or dangerous for it to walk because of an accident in that mine, or when the horse has been injured or is ill:

Provided that nothing in this regulation shall restrict the carrying of any horse by means of winding or haulage apparatus through a shaft or staple-pit or on an incline, being an incline too steep for that horse to walk thereon with safety.

Prohibition of riding on horses

6. No person shall ride on a horse below ground at a mine.

Periods of employment of horses

7.—(1) No horse shall be allowed to be out of its stable for the purpose of work during any period—

(*a*) of twenty-four hours, during more than two shifts ;

(*b*) of forty-eight hours, during more than three shifts ; or

(*c*) of seven days, during more than seven shifts or for more than forty-eight hours in the aggregate :

Provided that nothing in this regulation shall restrict the working of any horse where necessary through unforeseen circumstances for the purpose of—

(i) saving life ;

(ii) remedying the effect of an accident ; or

(iii) avoiding serious interference with ordinary work in the mine.

(2) It shall be the duty of the appropriate horse-keeper to ensure compliance with the provisions of the last preceding paragraph.

(3) For the purposes of this regulation the period of work on any day (excluding any overtime) of any person under whose charge a horse is when out of its stable shall be regarded as a shift.

Appointment and duties of horse-keepers

8. The manager of every mine shall make and secure the efficient carrying out of arrangements whereby a competent person appointed for the purpose by the manager (in these regulations referred to as a " horse-keeper ") has the care of each horse employed below ground at the mine when it is in a stable at that mine, and without prejudice to the generality of that requirement the number of horse-keepers so appointed shall not be less than one for each fifteen horses, and one for any number of horses not thus taken into account, in the total number of horses employed below ground at that mine.

9. Every horse-keeper shall—

(*a*) ensure that no horse for the time being under his care leaves its stable, for the purpose of work, in an unfit condition, improperly shod or wearing harness otherwise than of a proper fit and in good condition and having a guard for the eyes ; and

(*b*) forthwith after the return to its stable of any horse for the time being under his care, examine that horse and its harness, attend to any injury to that horse, and clean and groom it or cause it to be cleaned and groomed.

10.—(1) In the case of every mine at which any horse is employed, there shall be kept, in a book provided for the purpose by the owner of the mine, a record of each horse for the time being so employed.

(2) Every horse-keeper shall, with respect to every horse for the time being under his care, make a full and accurate report every day in the book provided in pursuance of the last preceding paragraph, stating in particular—

(*a*) the condition of the horse ;

(*b*) the name of every person (other than the horse-keeper) who has been in charge of it ;

(*c*) in any case in which it has been taken from its stable, the times at which it was taken therefrom and returned thereto ;

(*d*) the nature and period of any working of that horse for any purpose specified in the proviso to paragraph (1) of regulation seven of these regulations, being working which, but for the operation of that proviso, would be prohibited by that regulation ;

(*e*) the nature of any report made to or by him in pursuance of paragraph (2) of regulation fourteen or paragraph (1) of regulation fifteen (as the case may be) of these regulations, and the nature of any action known by him to have been taken as a consequence of that report ; and

(*f*) any other information for which provision is made in that book.

Construction, equipment and use of stables

11.—(1) The manager shall ensure that no stable below ground at a mine is used to house any horse unless—

(*a*) no part of it is in a road on which any person travels to or from his working place, vehicles (other than vehicles used for the servicing of the stable) run or conveyors are operated ;

(*b*) it is provided with suitable and sufficient artificial lighting ;

(*c*) it is ventilated by air which has not ventilated any working face ;

(*d*) there is provided, at its return end, one loose box, of adequate size to house the largest horse for the time being in that stable, for each twenty-five horses, and one such loose box for any number of horses not thus taken into account, in the total number of horses for the time being housed in that stable ;

(*e*) there are provided one or more drinking troughs, so constructed as to be easily drained and cleaned, being adequate in aggregate length and capacity for the horses for the time being housed in that stable ;

(*f*) the floor throughout is paved or of concrete ; and suitable drainage is provided for every stall and loose box therein ; and

(*g*) every roof, wall and partition (other than a roof, wall or partition which has been painted or is made of slate, tiles, glazed brick or iron) has been limewashed before being so used and at intervals not exceeding three months during such use.

(2) The manager shall ensure that no stall below ground at a mine is used—

(*a*) to house more than one horse ;

(*b*) to house any horse, unless it is fitted with a manger.

(3) The manager shall make and secure the efficient carrying out of arrangements to ensure that every horse below ground at the mine is provided with accommodation in a stable and, except when in a loose box, in a stall of adequate size for that horse.

12. The manager of every mine at which any horses are employed below ground shall make and secure the carrying out of efficient arrangements to ensure that—

(*a*) every stable in use is cleaned daily, and kept in a sanitary condition ;

(*b*) an adequate supply of clean straw or other suitable bedding is provided for the use of every horse in a stable ;

(*c*) there is provided daily, and so far as practicable protected from dust and other deleterious substances before it is consumed, an adequate supply of wholesome food and wholesome drinking water for every horse for consumption while the horse is in its stable and while it is out of its stable for the purpose of working ;

(*d*) every receptacle for such food and water is so far as practicable so constructed as to protect the contents from dust and other deleterious substances ;

(*e*) an adequate supply of medicines, ointments and dressings of a kind suitable for horses, and suitable and sufficient apparatus for the destruction of horses requiring to be destroyed, are provided and kept readily available for use.

Duties of persons in charge of horses outside the stables

13.—(1) The manager shall make and secure the efficient carrying out of arrangements to ensure that every horse below ground at the mine is, when out of its stable, under the charge of a person appointed for that purpose.

(2) Every person appointed in pursuance of the last preceding paragraph, when in charge of a horse out of its stable, shall—

(*a*) be responsible for that horse throughout the period from his taking charge of it until he returns it to a horse-keeper at its stable or otherwise disposes of it in accordance with an order given to him by an official of the mine or a horse-keeper ;

(*b*) when driving it, do so carefully ;

(*c*) comply with any instructions relating to the horse given to him by an official of the mine or a horse-keeper ;

(*d*) in every case in which the horse is out of its stable for a period exceeding four hours, feed and water it, or cause it to be fed and watered during that period ;

(*e*) unless otherwise ordered by an official of the mine or a horse-keeper, return it not later than the end of his shift to a horse-keeper at its stable ;

(*f*) unless the horse is properly secured, remain with it throughout the period during which it is in his charge.

14.—(1) No person shall at any time work a horse below ground at a mine if—

(*a*) it is unfit ;

(*b*) it is not properly shod ; or

(*c*) it is wearing harness which does not fit properly or is not in good condition, or is without a guard for the eyes.

(2) In any case in which a person, other than a horse-keeper, for the time being in charge of a horse below ground at a mine has reason to believe that—

(*a*) the horse is unfit, is injured, or shows any symptoms of overwork ; or

(*b*) the horse is not properly shod ; or

(*c*) the horse is wearing harness which does not fit properly or which is not in good condition, or is without a guard for the eyes ; or

(*d*) there is any inadequacy in the supply of food or water for the horse at or near any place where it is working ; or

(*e*) the horse or its harness has rubbed against the roof or sides of a road ; or

(*f*) any other matter has arisen affecting or likely to affect the care or treatment of the horse ;

he shall forthwith report the matter to the official under whose immediate charge he works and to a horse-keeper.

Reports of sick, injured, etc., horses

15.—(1) In any case in which it comes to the notice of an official of the mine that a horse for the time being in the charge of a person who works under the immediate charge of that official, and in any case in which it comes to the notice of a horse-keeper that a horse for the time being under his care (as the case may be)—

(*a*) is unfit, is injured, or shows any symptoms of overwork ; or

(*b*) bears any marks indicating ill-treatment ; or

(*c*) is wearing any harness likely to cause pain or injury ;

that official or that horse-keeper (as the case may be) shall forthwith make a report thereof to the manager or an under-manager.

(2) No horse with respect to which a report has been made in pursuance of the last preceding paragraph shall be worked at the mine until the manager or an under-manager so authorises.

Interpretation

16.—(1) In these regulations the following expressions have the meanings hereby respectively assigned to them, that is to say—

" horse " includes pony, mule and donkey ;

" horse-keeper " has the meaning assigned thereto in regulation eight ;

" mine " has the meaning assigned thereto in regulation one ;

" veterinary surgeon " has the meaning assigned thereto in regulation three.

(2) The Interpretation Act, 1889(a), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

SECOND SCHEDULE

REGULATIONS AND ENACTMENTS CERTAIN PROVISIONS OF WHICH ARE RE-ENACTED WITH MODIFICATIONS IN THE COAL AND OTHER MINES (HORSES) REGULATIONS. 1956.

Coal Mines Act, 1911, Third Schedule (as amended by the Coal Mines General Regulations of the 10th February, 1922(b), and the Coal Mines (Horses) General Regulations, 1949(c)).

General Regulations, dated July 10, 1913(d), Regulations 24 and 25.

EXPLANATORY NOTE

(*This note is not part of the order, but is intended to indicate its general purport.*)

This order is made under the Mines and Quarries Act, 1954, s. 190, which empowers the Minister of Fuel and Power to re-enact (to the extent to which they could be enacted in regulations made under the Act and subject to modifications of the kind specified in that section) the provisions of regulations and enactments which will cease to have effect at the commencement of the Act.

The provisions set out as regulations in the first schedule to this order apply to mines of coal, stratified ironstone, shale and fireclay, and relate to the employment of horses in such mines. The regulations prohibit the taking below ground of any horse unless it is at least four years old and is certified by a veterinary surgeon to be free from glanders, and no blind horse may be taken or allowed to be below ground. Provision is made to ensure that every horse is periodically examined by a veterinary surgeon, and unfit horses must be dealt with as specified in reg. 4. The regulations also restrict the carrying of horses on vehicles below ground ; prohibit persons from riding on them ; lay down maximum periods of work ; require the appointment and specify the duties of horse-keepers ; and make provision with regard to the construction, equipment and use of stables and the general welfare and care of the horses not only when they are in their stables but also when they are at work. These regulations comprise, and will at the commencement of the Act replace, provisions of the regulations and enactments specified in the second schedule to the order.

(a) 52 & 53 Vict. c. 63.
(b) S.R. & O. 1922/113 (Rev. IV, p. 381: 1922, p. 577).
(c) S.I. 1949/2330 (1949 I, p. 693).
(d) S.R. & O. 1913/748 (Rev. IV, p. 318: 1913, p. 680).