1963 No. 1617

MINES AND QUARRIES

The Coal and Other Mines (Managers and Officials) (Variation) Regulations 1963

Made - - - -	*25th September* 1963
Laid before Parliament	*2nd October* 1963
Coming into Operation	*3rd October* 1963

The Minister of Power in pursuance of the powers conferred upon him by sections 141 and 143 of the Mines and Quarries Act 1954(a), and of all other powers him enabling, hereby makes the following regulations:—

1. These regulations shall come into operation on 3rd October 1963 and may be cited as the Coal and Other Mines (Managers and Officials) (Variation) Regulations 1963.

2. The Coal and Other Mines (Managers and Officials) Regulations 1956(b) as varied by the Coal and Other Mines (Managers and Officials) (Variation) Regulations 1961(c) and the Coal and Other Mines (Managers and Officials) (Variation) Regulations 1962(d) shall have effect subject to the further variations specified in these regulations.

3. In these regulations a regulation referred to by number means the regulation so numbered in the Coal and Other Mines (Managers and Officials) Regulations 1956.

4. After regulation 12(4) there shall be added the following paragraphs:—

"(5) Notwithstanding anything contained in regulation 9(1)(*b*) or in the preceding paragraphs of this regulation, the manager of a mine may appoint one or more competent persons, each of whom is qualified under regulation 26 to be a deputy, to make pre-shift inspections and where a pre-shift inspection of a deputy's district is required to be made pursuant to paragraph (1) of this regulation and is made in respect of a shift by such a person in accordance with this paragraph the deputy whose duty it would otherwise be to make a pre-shift inspection in respect of that shift shall not be required himself to make such an inspection.

(6) Paragraphs (2) and (3) of this regulation shall apply to a person appointed under the last preceding paragraph as if he were a deputy."

5. For regulation 14 there shall be substituted the following regulation:—

"14.—(1) No workman shall pass beyond the meeting station of, or enter any deputy's district (except in pursuance of regulation 12) unless he is instructed to do so by the deputy assigned to that district or a district

(a) 2 & 3 Eliz. 2. c. 70.
(b) S.I. 1956/1758 (1956 I, p. 1212).
(c) S.I. 1961/817 (1961 I, p. 1623).
(d) S.I. 1962/594 (1962 I, p. 559).

comprising or comprised in that district, or by a person appointed pursuant to regulation 12(5) to make pre-shift inspections or he does so in pursuance of an arrangement made by the manager.

(2) No deputy or person appointed pursuant to regulation 12(5) to make pre-shift inspections shall instruct any workman to pass beyond the meeting station or enter a district unless he has made, or is satisfied that another deputy or person appointed pursuant to regulation 12(5) to make pre-shift inspections has made, any pre-shift inspection required by these regulations to be made before that workman commences work and he is satisfied that, having regard to any instruction he gives to that workman relating to his safety, that workman can safely enter the district.

(3) The manager shall not make arrangements for any workman to pass beyond the meeting station or enter any deputy's district (otherwise than in pursuance of the last preceding paragraph) except arrangements which will operate only when a workman will already be in the district and any such arrangements shall be subject to any instruction given by a deputy or person appointed pursuant to regulation 12(5) to make pre-shift inspections."

6. After regulation 16 there shall be added:—

" Provided that where a person appointed pursuant to regulation 12(5) to make pre-shift inspections makes such an inspection of a deputy's district he shall forthwith fence off and mark any such place in the manner hereinbefore provided and shall inform the deputy to whom that district is assigned for the shift in respect of which that inspection was made, or the deputy for the last preceding shift if he is still in the district, of the nature of the danger and the fact that the place has been so fenced and marked."

7. After regulation 21(1) there shall be added:—

" and where there is in that district a person appointed pursuant to regulation 12(5) to make pre-shift inspections the charge of those workmen shall if practicable be committed to him."

8. For the proviso to regulation 22 there shall be substituted:—

" Provided that if—

(i) workmen are due to arrive in that district for a succeeding shift; or

(ii) a person appointed pursuant to regulation 12(5) to make pre-shift inspections is in that district for the purpose of making such an inspection or is due to arrive in that district for that purpose—

not more than thirty minutes after the departure of the last workman in the shift to which that deputy is assigned, this regulation shall not require the extinction of any fixed electric lights."

9. After regulation 23 there shall be added the following regulation:—

" 23A. Every person appointed pursuant to regulation 12(5) to make pre-shift inspections shall without prejudice to any other obligations imposed on him by the Act or these regulations confer with the deputy to whom the district of which he makes any such inspection is assigned for the shift in respect of which that inspection is made and give to him all the information in his possession necessary for the safety of persons who will be employed in the district."

10. In regulation 24 for the word " deputy " there shall be substituted the word " person ".

Dated 25th September 1963.

Richard Wood,
Minister of Power.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations, which are made by the Minister of Power under the Mines and Quarries Act 1954 s. 141 and s. 143, vary the Coal and Other Mines (Managers and Officials) Regulations 1956 as previously varied.

Regulation 4 enables managers to appoint competent persons, who must be qualified to be deputies, to carry out the pre-shift inspections which would otherwise have to be carried out by the deputy to whom a district is assigned for a shift or by the deputy for the preceding shift. It imposes on appointed persons the same requirements with respect to the carriage of lamps as are already imposed on deputies, and it authorises such a person to be accompanied by a competent workman as an assistant when making such an inspection.

Regulation 5 gives such appointed persons the same powers as deputies to control the entry of workmen into districts.

Regulation 6 imposes the same duty on such appointed persons as on deputies to fence off and mark dangerous places and requires an appointed person who has taken such action to inform the deputy to whom the district is assigned.

Regulation 7 provides that where the deputy in charge of a district commits the charge of workmen remaining behind in a district after he has left it to a competent person, who in his absence performs the deputy's functions, that charge shall if practicable be committed to a person appointed to make pre-shift inspections.

Regulation 8 permits fixed electric lights to be left on at the end of a shift if an appointed person is in the district, or due to arrive in it within thirty minutes of the departure of the last workman in the preceding shift.

Regulation 9 requires an appointed person to confer with the oncoming deputy when he has completed his pre-shift inspection.

Regulation 10 imposes on a person appointed to make pre-shift inspections the duty of reporting his inspection in the book provided for the purpose.