1956 No. 1759

The Coal and Other Mines (Mechanics and Electricians) 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 amongst other things (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) provisions of any regulation having effect by virtue of section eighty-six of the Coal Mines Act, 1911(b), 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 specified in the second schedule hereto subject to such modifications as aforesaid, are hereby re-enacted and shall have 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 (Mechanics and Electricians) Regulations, 1956.

2. Any exemption or requirement granted or imposed for the purposes of a provision specified in the second schedule hereto shall, if in force at the commencement of the Act and so far as it could have been granted or imposed for the purposes of the Coal and Other Mines (Mechanics and Electricians) Regulations, 1956, have effect as if it had been so granted or imposed.

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

3. This order shall come into operation at the commencement of the Act and may be cited as the Coal and Other Mines (Mechanics and Electricians) 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 (MECHANICS AND ELECTRICIANS) REGULATIONS, 1956, HAVING EFFECT AS IF MADE UNDER SECTION ONE HUNDRED AND FORTY-ONE OF THE MINES AND QUARRIES ACT, 1954.

Arrangement of Regulations

PART I.	...	Application	Reg. 1
PART II.	...	Appointment of mechanics of the mine and electricians of the mine.	Regs. 2 to 5
PART III.	...	Duties of the mechanics of the mine, the electricians of the mine and other persons concerned with mechanical or electrical apparatus.	Regs. 6 to 11
PART IV.	...	Qualifications of the mechanics of the mine and the electricians of the mine.	Regs. 12 to 15
PART V.	...	General	Reg. 16

PART I

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.

PART II

Appointment of mechanics of the mine and electricians of the mine

2.—(1) For every mine there shall be appointed by the manager a competent person to be the mechanical engineer or the mechanic in charge and as many competent persons to be mechanics as may be required to supervise or effect the proper installation, examination, testing and maintenance of all mechanical apparatus at the mine in accordance with the following provisions. The mechanical engineer or mechanic in charge and the mechanics for a mine are hereinafter referred to as " the mechanics of the mine ".

(2) In the case of any mine at which the total number of prime movers exceeds seventy-five the manager shall ensure that a mechanic of the mine is in charge at the mine whenever any prime mover is being used in the mine for any purpose specified in an instruction in writing given by the manager to the mechanical engineer or mechanic in charge and for the time being in force.

3.—(1) For every mine at which electricity is used there shall be appointed by the manager a competent person to be the electrical engineer or the electrician in charge and as many competent persons to be electricians as may be required

to supervise or effect the proper installation, examination, testing and maintenance of all electrical apparatus at the mine in accordance with the following provisions. The electrical engineer or electrician in charge and the electricians for a mine are hereinafter referred to as " the electricians of the mine ".

(2) In the case of any mine at which the total number of electric motors exceeds seventy-five the manager shall ensure that an electrician of the mine is in charge at the mine whenever any electric motor is being used in the mine for any purpose specified in an instruction in writing given by the manager to the electrical engineer or electrician in charge and for the time being in force.

4.—(1) A copy of any instruction given in pursuance of paragraph (2) of either of the two last preceding regulations and for the time being in force shall be kept at the office at the mine or at such other place as may be approved by an inspector, and if an inspector at any time so requests the manager shall send to him a copy of any such instruction.

(2) If in a case to which paragraph (2) of either of the two last preceding regulations applies an inspector is of opinion that a mechanic of the mine or an electrician of the mine, as the case may be, ought to be in charge at the mine whenever a prime mover or electric motor is being used in the mine for a purpose not specified under that paragraph, he may serve on the manager a notice requiring him to give an instruction accordingly.

(3) The provisions of Part XV of the Act with respect to references upon notices served by inspectors shall apply to a notice served under the last preceding paragraph, and the relevant ground of objection to such a notice shall be that it is not necessary for a mechanic of the mine or an electrician of the mine, as the case may be, to be in charge at the mine whenever a prime mover or electric motor is being used in the mine for the purpose specified in the notice in order to secure the proper supervision of mechanical or electrical apparatus thereat.

5. Nothing in regulation two or three shall prevent a competent person being both a mechanic of the mine and an electrician of the mine.

PART III

Duties of the mechanics of the mine, the electricians of the mine and other persons concerned with mechanical or electrical apparatus

6. It shall be the duty of the mechanical engineer or mechanic in charge in respect of mechanical apparatus, and of the electrical engineer or electrician in charge in respect of electrical apparatus, to ensure that the mechanics of the mine or electricians of the mine, as the case may be, supervise or effect—

(*a*) the installation of all such apparatus at the mine;

(*b*) the examination and testing of all such apparatus before it is put into use after installation, re-installation or repair;

(*c*) the maintenance in safe working condition and in accordance with all requirements imposed by or under the Act of all such apparatus at the mine; and

(*d*) the systematic examination and testing of all such apparatus at the mine in accordance with the scheme therefor for the time being in operation.

7.—(1) It shall be the duty of the manager of every mine to ensure that there shall be at all times in force a scheme in respect of all mechanical apparatus at the mine, and, if electricity is used thereat, a scheme in respect of all electrical apparatus thereat, being a scheme providing for the systematic examination and testing of all mechanical apparatus or electrical apparatus (as the case may be) at the mine to ensure proper maintenance thereof.

(2) Any such scheme shall specify the intervals (which may be different for different apparatus and parts of apparatus) within which all mechanical or electrical apparatus (as the case may be) must be examined and tested and the nature of the examination and testing to be carried out on each occasion.

(3) The schemes for each mine or copies thereof shall be kept at the office at the mine or at such other place as may be approved by an inspector.

(4) If an inspector is of opinion that amendment of a scheme is necessary to ensure the proper maintenance of any mechanical or electrical apparatus at the mine, he may serve on the manager a notice requiring him to remedy the defect.

(5) The provisions of Part XV of the Act with respect to references upon notices served by inspectors shall apply to a notice served under the last preceding paragraph and the relevant ground of objection to such a notice shall be that the scheme already ensures the proper maintenance of all mechanical or electrical apparatus at that mine.

8.—(1) Persons, other than the mechanics of the mine and the electricians of the mine, may be instructed in writing by the manager of the mine to carry out such duties relating to—

(*a*) the installation, repair, examination or testing of mechanical or electrical apparatus; or

(*b*) the operation of any machinery or electrical apparatus;

as may be specified in the instruction being duties for which they are competent.

(2) No person shall be instructed under sub-paragraph (*a*) of paragraph (1) of this regulation to carry out any duty for which technical knowledge and experience are necessary to avoid danger except under such degree of supervision by a mechanic of the mine or an electrician of the mine as may be appropriate having regard to the nature of the work and the knowledge and experience of the person concerned.

(3) No person shall commence any work upon any conductor, or in proximity to an exposed conductor, being in either case a conductor in a circuit in which the voltage exceeds twenty-five, until an electrician of the mine has ensured that such conductor has been made dead and has taken any necessary steps by earthing or otherwise to ensure that it will remain dead until he is satisfied that it is safe to restore the current:

Provided that the provisions of this paragraph shall not apply to the cleaning of commutators and slip-rings in a circuit in which the voltage does not exceed six hundred and fifty.

(4) Without prejudice to the generality of the provisions of the last preceding paragraph no person shall change an electric lamp bulb unless the lamp-holder has been made dead.

9.—(1) No person whose duties include the operation of any portable electrical apparatus supplied with electricity by means of a flexible trailing cable shall at any time either leave that apparatus while it is working, or leave the working place (except for the purpose of cutting off the supply of electricity to the cable) without ensuring that the cable has been made dead, unless his instructions expressly authorise him to do so.

(2) A person whose duties include the operation during his shift of any electrical apparatus supplied with electricity by means of a flexible trailing cable shall ensure, before using that cable during that shift, that so much of it as is accessible is examined, and subsequently ensure that any further parts which become accessible are examined, and shall not use any cable which is thus found to be damaged or defective.

10.—(1) Without prejudice to the generality of section eighty of the Act a mechanic of the mine, in respect of mechanical apparatus, an electrician of the mine, in respect of electrical apparatus, or a person instructed under regulation eight shall stop forthwith the use of any such apparatus which it appears to him in the course of his duties may be in a dangerous condition by reason of some mechanical or electrical defect or abnormality, and cut off the supply of mechanical energy thereto or make dead the circuit or part of a circuit in

which it is connected (as the case may be) and take any other necessary action to avoid danger. Unless in the case of a person instructed under regulation eight his duties include the repair of the defect and he has repaired it, that apparatus shall not be used again at the mine until a mechanic of the mine or an electrician of the mine (as the case may require) is satisfied that it is safe to do so.

(2) Without prejudice to the generality thereof the provisions of the last preceding paragraph shall apply in any case in which incendive sparking occurs in any electrical apparatus below ground in any part of a mine in which inflammable gas, although not normally present, is likely to occur in quantities sufficient to indicate danger.

(3) Without prejudice to the generality of section eighty of the Act a mechanic of the mine, in respect of mechanical apparatus, an electrician of the mine, in respect of electrical apparatus, or a person instructed under regulation eight shall report forthwith to an official of the mine anything which it appears to him in the course of his duties may affect the safe use of any such apparatus, and which it is not part of his duties to prevent or remedy.

11. The mechanics of the mine and the electricians of the mine shall record in books provided by the owner of the mine—

(*a*) any action taken by them in pursuance of regulation ten ;

(*b*) a report of every examination or test of any mechanical or electrical apparatus carried out or supervised by them in pursuance of regulation six ; and

(*c*) any other information for which provision is made in such a book.

PART IV

Qualifications of the mechanics of the mine and the electricians of the mine

12.—(1) No person shall be qualified to be appointed or to be the mechanical engineer or mechanic in charge or the electrical engineer or electrician in charge for a mine unless—

(*a*) he is at least twenty-three years of age, and is the holder, as the case may be, of a mechanical engineer's certificate or electrical engineer's certificate or a mechanic's certificate class I or electrician's certificate class I, being in any case a certificate valid with respect to that mine ; or

(*b*) he is the holder of a service certificate showing that during a period of at least six months between the first day of April, nineteen hundred and fifty-five and the thirty-first day of December, nineteen hundred and fifty-five, he had been, as the case may be,—

(i) the mechanical engineer or mechanic in charge for a mine at which the total number of prime movers exceeded ten or in which a prime mover capable of developing more than ten horse-power was used at or within thirty feet of a working face, or

(ii) the electrical engineer or electrician in charge for a mine at which the total number of electric motors exceeded ten or in which an electric motor was used at or within thirty feet of a working face.

(2) No person shall be qualified to be appointed or to be a mechanic for a mine unless he is the holder of—

(*a*) a mechanical engineer's certificate or a mechanic's certificate, being a certificate valid with respect to that mine ; or

(*b*) (i) a certificate granted by a person authorised in that behalf by the Minister showing that during a period of at least six months between the first day of October, nineteen hundred and fifty-five and the thirty-first day of December, nineteen hundred and fifty-six, he had been the mechanical engineer or mechanic in charge for a mine or had performed responsible or supervisory duties in connection with the installation,

examination, testing and maintenance of mechanical apparatus at a mine at which the total number of prime movers exceeded ten or in which a prime mover capable of developing more than ten horse-power was used at or within thirty feet of a working face, and

(ii) a certificate as to his knowledge of the elementary principles of mechanical engineering granted by the Minister on the recommendation of the Mining Qualifications Board, or a certificate granted under paragraph 2 (*b*) (ii) of regulation twelve of the Coal Mines (Mechanics and Electricians) General Regulations, 1954(**a**).

(3) No person shall be qualified to be appointed or to be an electrician for a mine unless he is the holder of—

(*a*) an electrical engineer's certificate or an electrician's certificate, being a certificate valid with respect to that mine ; or

(*b*) a service certificate showing that during a period of at least six months between the first day of October, nineteen hundred and fifty-four and the thirty-first day of December, nineteen hundred and fifty-five, he had been the electrical engineer or electrician in charge for a mine or an electrician for a mine at which the total number of electric motors exceeded ten or in which an electric motor was used at or within thirty feet of a working face.

(4) Nothing in this regulation shall apply to a mechanic of a mine or electrician of a mine, as the case may be,—

(*a*) at which the total number of prime movers or electric motors does not exceed ten and in which no prime mover capable of developing more than ten horse-power or, as the case may be, electric motor is used at or within thirty feet of a working face ; or

(*b*) at which not more than fourteen persons are employed below ground unless there is for the time being in force a direction given by an inspector by notice served on the manager of the mine that the mechanics of the mine or the electricians of the mine or both should hold the qualifications aforesaid, being a direction given on the ground that the nature of the mechanical apparatus or the electrical apparatus or both, as the case may be, at the mine or the conditions in which that apparatus is used thereat increase the risk of danger.

13.—(1) After the thirty-first day of December, nineteen hundred and fifty-eight, no person shall be qualified to be appointed or to be the mechanical engineer or mechanic in charge or the electrical engineer or electrician in charge for a mine unless—

(*a*) he is at least twenty-five years of age, and is the holder, as the case may be, of a mechanical engineer's certificate or electrical engineer's certificate, being a certificate valid with respect to that mine ; or

(*b*) he is the holder of a service certificate showing that—

(i) during a period of at least eighteen months between the first day of January, nineteen hundred and fifty-seven and the first day of January, nineteen hundred and fifty-nine, he had been, as the case may be, the mechanical engineer or mechanic in charge for a mine at which the total number of prime movers exceeded seventy-five or the electrical engineer or the electrician in charge for a mine at which the total number of electric motors exceeded seventy-five, or

(ii) during a period of at least two years between the first day of October, nineteen hundred and fifty-four and the first day of January, nineteen hundred and fifty-nine, he had been, as the case may be, the mechanical engineer or mechanic in charge for such a mine or the electrical engineer or electrician in charge for such a mine.

(2) After the thirty-first day of December, nineteen hundred and fifty-eight, no mechanic for the mine or electrician for the mine shall be qualified to take

(a) S.I. 1954/594 (1954 I, p. 481).

charge at the mine when the mechanical engineer or mechanic in charge or the electrical engineer or electrician in charge, as the case may be, is not on duty unless he is at least twenty-three years of age and is the holder of such a certificate as is described in paragraph (1) of regulation twelve.

(3) Without prejudice to the operation of regulation twelve, nothing in paragraph (1) or paragraph (2) of this regulation shall apply to the mechanics of a mine or electricians of a mine, as the case may be, at which the total number of prime movers or electric motors does not exceed seventy-five unless there is for the time being in force a direction given by an inspector by notice served on the manager of the mine that the mechanics of the mine or the electricians of the mine or both should hold the qualifications aforesaid, being a direction given on the ground that the nature of the mechanical apparatus or the electrical apparatus or both, as the case may be, at the mine or the conditions in which that apparatus is used thereat increase the risk of danger.

14. An inspector may by notice served on the manager of any mine exempt it from the application of any provision contained in the two last preceding regulations.

15. In this Part of these regulations—

"mechanical engineer's certificate", "mechanic's certificate", "electrical engineer's certificate" and "electrician's certificate" mean certificates so entitled granted by the Minister on the recommendation of the Mining Qualifications Board and expressed to be valid with respect to all mines or to mines of a specified class or description and, unless the context otherwise requires, "mechanic's certificate" and "electrician's certificate" include such certificates class I or class II;

"service certificate" means a certificate on a form provided for the purpose by the Minister signed by the manager of the mine at which the appointment referred to therein has been held and, within fourteen days of signature, authenticated by the owner of that mine or a representative of the owner superior to the manager.

PART V

General

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

"the Act" means the Mines and Quarries Act, 1954;

"electrical apparatus" includes electric cables and any part of any machinery, apparatus or appliance, being a part designed for the generation, conversion, storage, transmission or utilisation of electricity, but excludes any electric cable, machinery, apparatus or appliance or part thereof which is not used and is not intended to be used as, and does not form and is not intended to form, part of the equipment of a mine;

"electricians of the mine" has the meaning assigned thereto in regulation three;

"flexible cable" means an electric cable which is designed to be movable while in use;

"incendive sparking" means, in relation to any electrical apparatus, sparking in such circumstances that inflammable gas present in the air outside the apparatus might be ignited directly or indirectly;

"mechanical apparatus" includes any machinery, apparatus or appliance used in connection with the generation, conversion, storage, transmission or utilisation of mechanical energy and ropes, chains, permanent haulage track and rolling stock, but excludes any machinery, apparatus or appliance or part thereof which for the purposes of these regulations is electrical apparatus and anything which is not used and is not intended to be used as, and does not form and is not intended to form, part of the equipment of a mine;

"mechanical energy" means energy derived from steam, water or other fluid, wind, compressed air or gas, electricity, combustion of fuel or any other source;

" mechanics of the mine " has the meaning assigned thereto in regulation two ;

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

" portable apparatus " includes electrical apparatus that is designed to be moved while working ;

" prime mover " means an engine or motor which provides mechanical energy.

(2) For the purposes of ascertaining the number of prime movers or electric motors at any mine and of any provision of these regulations requiring systematic examination and testing of any mechanical or electrical apparatus, no account shall be taken of any mechanical or electrical apparatus which is surplus to ordinary requirements and which has not been issued for use or installed as a standby or which, if so issued, has been withdrawn from use for repair or otherwise and has not been re-issued.

(3) Expressions to which meanings are assigned by the Act or by these regulations shall (unless the contrary intention appears) have the same meanings in any document issued under the provisions of these regulations.

(4) 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 CERTAIN PROVISIONS OF WHICH ARE RE-ENACTED WITH MODIFICATIONS IN THE COAL AND OTHER MINES (MECHANICS AND ELECTRICIANS) REGULATIONS, 1956.

General Regulations dated July 10, 1913(b), Regulations 131(*g*) and 132(iii)

Coal Mines (Mechanics and Electricians) General Regulations, 1954

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 first schedule to this order apply to mines of coal, stratified ironstone, shale and fireclay.

Part II of the regulations requires the appointment for every such mine of a mechanical engineer or mechanic in charge and sufficient mechanics (collectively referred to as " the mechanics of the mine ") and for every such mine at which electricity is used of an electrical engineer or electrician in charge and sufficient electricians (collectively referred to as " the electricians of the mine "), who are responsible for the proper installation, examination, testing and maintenance of mechanical plant and electrical plant, as the case may be, at such mines.

Part III of the regulations specifies the duties of the mechanics and electricians of the mine and of the manager and other persons concerned with mechanical or electrical plant at a mine, and Part IV prescribes the qualifications required to be possessed (except in certain specified circumstances) by the various categories of mechanics and electricians of the mine.

These regulations comprise, and will at the commencement of the Act replace, provisions of the regulations specified in the second schedule to the order.

(a) 52 & 53 Vict. c. 63. (b) S.R. & O. 1913/748 (Rev. IV, p. 318: 1913, p. 680).