1956 No. 1760

The Coal and Other Mines (Surveyors and Plans) 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, 1945(**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(*b*) provisions of any enactment repealed by section one hundred and eighty-nine of the Act in so far as that enactment is not re-enacted in the Act;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 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 (Surveyors and Plans) Regulations, 1956.

2. Any exemption, authority or certificate given 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 given for the purposes of the Coal and Other Mines (Surveyors and Plans) Regulations, 1956 (whether by that instrument or an instrument to the like effect), have effect as if it had been so given.

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

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

Aubrey Jones,
Minister of Fuel and Power.

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

FIRST SCHEDULE

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

Arrangement of Regulations

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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

Qualifications and duties of surveyors

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

(*a*) a surveyor's certificate granted by the Minister on the recommendation of the Mining Qualifications Board ; or

(*b*) a certificate which was a surveyor's certificate for the purposes of the Coal Mines (Surveyors and Plans) General Regulations, 1952(a).

(2) No person shall be qualified to be appointed or to be the surveyor for a mine, other than a mine at which not more than thirty persons are employed below ground or a mine of fireclay, unless (in addition to holding such a certificate) he has had not less than three years' experience in work relating to surveys of mines, including making mine surveys and preparing plans and sections of mines therefrom, since the grant to him of such a certificate.

3.—(1) It shall be the duty of the surveyor for a mine to prepare or supervise the preparation of all plans, drawings and sections of the mine which are required by Part III of these regulations to be kept.

(2) It shall be the duty of the surveyor for a mine to establish the accuracy as regards any matters which may involve substantial error or danger of any such plans, drawings and sections of the mine which have not been prepared by him or to ensure that such accuracy is established by a person who is qualified to be appointed the surveyor for that mine.

4.—(1) It shall be the duty of the surveyor for a mine to ensure that working papers recording all observations or calculations which were necessarily made for the preparation or checking of any plans, drawings or sections kept by the manager by virtue of Part III of these regulations are signed by the person making them and are preserved.

(2) Where any such papers are not kept at the office at the mine or a place approved by an inspector, it shall be the duty of the surveyor for the mine to make such arrangements as will ensure that upon his ceasing to be the surveyor or upon the abandonment of the mine all such papers are transferred to the owner of the mine or to a person nominated by the owner.

(a) S.I. 1952/1846 (1952 I, p. 610).

PART III

Working plans

5. It shall be the duty of the manager of every mine to keep at the office at the mine or at such other place as may be approved by an inspector plans and sections in accordance with the following provisions of this Part of these regulations.

6.—(1) In the case of any mine, plans and sections of the workings of which are made after the commencement of these regulations or have been made after the fifteenth day of December, nineteen hundred and fifty-two, and in the case of every mine after the thirty-first day of December, nineteen hundred and sixty-two, there shall be kept as aforesaid—

(*a*) a separate plan for each seam being worked in the mine showing at any time clearly and accurately the workings in that seam and all shafts, outlets, drifts or staple-pits driven from or to it up to a date not more than three months past and up to a point not more than three hundred feet from their actual positions at any time ; and

(*b*) in respect of every mine, other than a mine of stratified ironstone, such sections of the seams being worked in the mine as may be necessary to show any substantial variation in the thickness or character thereof, and so far as practicable such sections of the strata sunk or driven through in the mine or proved by boring as may be necessary to enable the relation between those seams to be determined at any place within the boundaries of the mine ; or

(*c*) in respect of every mine of stratified ironstone, a section of the strata sunk or driven through or, if that is impracticable, a section of every seam being worked in the mine, and in every case any additional section of any seam that may be necessary to show any substantial variation in the thickness or character thereof.

(2) An inspector may on account of special circumstances existing at any mine by notice served on the manager thereof exempt it from the requirement that a separate plan be kept for each seam for as long as the workings in each seam are shown on a plan and are clearly distinguished by the use of different colours or otherwise.

7. In the case in which and for the period during which the provisions of the last preceding regulation do not apply, there shall be kept as aforesaid—

(*a*) a plan showing at any time clearly and accurately the workings in the mine up to a date not more than three months past ; and

(*b*) a section of the strata sunk or driven through or, if that is impracticable, a section of every seam being worked in the mine.

8.—(1) Plans kept in pursuance of either of the two last preceding regulations shall show as clearly and accurately as is practicable the position of—

(*a*) any workings of the mine which are disused or abandoned ; and

(*b*) any workings of any other mine (whether abandoned or not) ;

being workings within the boundaries of the mine or within three hundred and seventy-five feet outside any boundary (measured from any point on the boundary in a straight line on any plane) and being workings which are or are likely at any stage to be at a depth differing from the depth of workings to which the plans relate by not more than one hundred and twenty feet or which are likely at any time to contain an accumulation of water dangerous to persons working in the mine.

(2) The position of any such workings which are not disused or abandoned shall be shown up to a date not more than three months past.

9.—(1) In addition to the plans and sections required by regulation six or seven there shall be kept as aforesaid at every mine a plan showing the system of ventilation in the mine and in particular the general direction of the flow of the ventilation, the points at which the quantity of air passing is measured and the principal devices for regulating the flow of the ventilation.

(2) On any such plan every airway which as regards any working face is an intake airway and which is not as regards any working face a return airway shall be coloured blue, and every airway which as regards any working face is a return airway and which is not as regards any working face an intake airway shall be coloured red.

(3) If an inspector is satisfied as regards any mine that the information required by paragraph (1) of this regulation cannot be shown fully and clearly on a plan, he may by notice served on the manager of the mine authorise the keeping in substitution therefor of such a drawing as will show the information fully and clearly.

PART IV

Geological map and sketch of the mine

10. The manager of every mine shall keep at the office at the mine or at such other place as may be approved by an inspector a geological map of the district in which the mine is situate, being a map on a scale of six inches to a mile or, if a map on so large a scale is not available, a map on the nearest scale which shows the boundaries of superficial and drift deposits.

11. The manager of every mine shall provide in the covered accommodation provided in pursuance of section one hundred and thirty-five of the Act a sketch of the mine showing the main roads and means of egress from each part of the mine to the surface and the telephone stations below ground.

PART V

Abandonment plans

12.—(1) In the event of the abandonment of a mine or seam in a mine or of the expiration of the period of twelve months from the time at which the mine or a seam in a mine was last worked for the purpose of getting minerals or products of minerals, the person who is the owner of the mine at the time of the happening of that event shall within three months thereafter send to the inspector for the district the plans, drawings and sections of those workings required to be kept by virtue of regulation six or seven (where such plans, drawings and sections are no longer required by regulation five to be kept at the mine or a place approved by an inspector) or an accurate copy thereof or of so much thereof as is shown by virtue of those workings, being a copy prepared by or made under the supervision of the surveyor for that mine or the person who was the surveyor when the mine was last worked or if such a person is not available a person who is qualified to be appointed surveyor for that mine.

(2) In a case in which the provisions of the last preceding paragraph apply to any mine by virtue only of the expiration of the period of twelve months from the time at which the mine or the seam therein was last worked for the purpose of getting minerals or products of minerals, an inspector may, if he is of opinion that compliance with the requirements of that paragraph is unnecessary having regard to the circumstances and to the plans, drawings and sections thereof kept at the office at the mine or at such other place as is approved by an inspector, by notice served on the owner of the mine exempt him from the obligation imposed by that paragraph by virtue of the happening of that event.

(3) In the event of the abandonment of a mine the person who is the owner of the mine at the time of the abandonment shall send to the inspector for the district with the plans, drawings and sections referred to in paragraph (1) of this regulation all working papers relating to those plans, drawings and sections required to be preserved by regulation four or accurate copies thereof.

13. The owner of a mine to whom the provisions of paragraph (1) of the last preceding regulation apply shall ensure that every plan sent to the inspector in pursuance of that paragraph is endorsed with a certificate that no further work

has been carried out at the mine which would affect the accuracy of the plan being a certificate given by—

(*a*) the manager of the mine or the person who was the manager when the mine was last worked ; or

(*b*) a person appointed by the owner for the purpose of securing the fulfilment in relation to that mine of statutory responsibilities of the owner being a person who can so certify from his own knowledge.

14.—(1) The owner of a mine to whom the provisions of paragraph (1) of regulation twelve apply shall ensure that there is endorsed on or attached to every plan sent to the inspector in pursuance of that paragraph a report of the surveyor for that mine or the person who was the surveyor when the mine was last worked or, if such a person is not available, a person who is qualified to be appointed surveyor for that mine or a person who is or was employed at that mine and is the holder of a certificate specified in paragraph (1) of regulation two.

(2) Such report shall indicate the extent to which the person making it can certify the accuracy and completeness of the plan as at the date when the mine or the seam in question was last worked, the steps taken by him to ensure such accuracy and completeness and the reason for any qualification made by him and may include any information which he considers desirable for the promotion of safety.

PART VI

General

15. 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 (SURVEYORS AND PLANS) REGULATIONS, 1956.

Coal Mines Act, 1911, sections 20 and 21, as amended by the Coal Mines (Surveyors and Plans) General Regulations, 1952

General Regulations dated July 10, 1913(b), Regulation 31

Coal Mines (Surveyors and Plans) General Regulations, 1952

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 relate to the qualifications and duties of surveyors for mines of coal, stratified ironstone, shale and fireclay, the making and keeping of working plans of such mines, and the disposal of abandonment plans and connected working papers relating thereto. 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. 1913/748 (Rev. IV, p. 318: 1913, p. 680).