MINES AND QUARRIES

SAFETY, HEALTH AND WELFARE (MINES)

1959 No. 1217

The Coal Mines (Clearances in Transport Roads) Regulations, 1959

Made - - - -	14*th July*, 1959
Laid before Parliament	22*nd July*, 1959
Coming into Operation	1*st August*, 1959

The Minister of Power in pursuance of the powers conferred upon him by section one hundred and forty-one and subsection (1) of section one hundred and forty-three of the Mines and Quarries Act, 1954(**b**), (hereinafter referred

(**a**) 3 & 4 Eliz. 2. c. 25. (**b**) 2 & 3 Eliz. 2. c. 70.

to as "the Act") and of all other powers him enabling hereby orders that the following regulations shall have effect :—

PART I

General

Commencement and citation

1. These regulations shall come into operation on the first day of August, nineteen hundred and fifty-nine, and may be cited as the Coal Mines (Clearances in Transport Roads) Regulations, 1959.

Interpretation

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

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

"clearance" has the meaning assigned by regulation five ;

"boarding point" means, in relation to a road, any place on that road at which any person normally boards or alights from a vehicle ;

"locomotive" has the meaning assigned by the Coal and Other Mines (Locomotives) Regulations, 1956(**a**) ;

"mine" has the meaning assigned by regulation three ;

"new road" has the meaning assigned by regulation four ;

"old road" has the meaning assigned by regulation seven ;

"road" has the meaning assigned by regulation three ;

"unsettled ground" means ground within nine hundred feet of a working face measured in the plane of the working ;

"working face" does not include a place at which the work consists only of ripping or work of repair ; and

"working place" means, in relation to a road, any place on that road at which any person is normally employed in, or in connection with, the loading, unloading, handling or operation of any vehicle otherwise than for the purpose of or in connection with the execution of works to any part of the road at or adjacent to that place.

(2) 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.

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

PART II

Application

3. Except where the application thereof is further expressly limited, these regulations shall apply in every mine of coal to any length of road therein in which any vehicle runs on rails or any conveyor is operated, and in these regulations "mine" means such a mine and "road" means (except where further expressly limited) such a length of road.

(a) S.I. 1956/1771 (1956 I, p. 1400). (b) 52 & 53 Vict. c. 63.

PART III

CLEARANCES IN NEW ROADS

4. This Part of these regulations shall apply to every length of road described and used as specified, in relation to any length in which persons are carried in vehicles with open sides, in column 1 of Part I of the schedule to these regulations or, in relation to any other length of road, in column 1 of Part II of that schedule, being a length—

(*a*) made after the thirtieth day of April, nineteen hundred and sixty, for the purpose of being so used for any period other than a period expiring less than three years after that date ; or

(*b*) enlarged after that date for the purpose of being so used for any such period as aforesaid (and which was not so used before that date).

In these regulations " new road " means such a length of road, and any reference to a vehicle with open sides shall be construed as a reference to a vehicle which is not closed in at both sides in such a way as to prevent persons or things projecting beyond the sides of the vehicle.

5.—(1) Subject to the provisions of the next following paragraph the manager of every mine shall ensure that in every new road in which any vehicle is running or any conveyor is in operation there are provided and maintained continuous clear spaces (taking into account the swing of any vehicle)—

(*a*) between any side of the road or anything supporting that side and any part of any vehicle or conveyor ;

(*b*) between any parts of any vehicles on adjacent tracks of rails ;

(*c*) between any parts of adjacent conveyors ; and

(*d*) between any part of any conveyor and any part of any vehicle on an adjacent track of rails ;

(any such continuous clear space being, in these regulations, referred to as a " clearance ") which are (subject to the provisions of regulation six of these regulations) in every case of a width not less than the appropriate clearance (if any) specified in relation to that road—

(i) in the case of a new road in which persons are carried in vehicles with open sides in column 2 of Part I of the schedule to these regulations ; or

(ii) in the case of any other new road and notwithstanding anything in paragraph (4) of regulation forty-seven of the Coal and Other Mines (Shafts, Outlets and Roads) Regulations, 1956(a), in column 2 of Part II of that schedule.

(2) Nothing in sub-paragraph (ii) of the last preceding paragraph shall require the provision of any clearance in pursuance of that sub-paragraph in the case of a new road in relation to which the manager of a mine makes and secures the effective carrying out of arrangements to secure that no person is in that road when any vehicle is in motion therein except a person who is—

(*a*) there for the purpose of accompanying a vehicle or set of vehicles ; or

(*b*) at a working place thereon.

(a) S.I. 1956/1762 (1956 I, p. 1269).

(3) Paragraph (3) of regulation six and paragraph (3) of regulation seven of the Coal and Other Mines (Locomotives) Regulations, 1956, shall not apply in relation to any new road in which a locomotive runs.

Working places and boarding points

6.—(1) The Manager of every mine shall ensure that there is provided and maintained at every working place and boarding point in a new road a clearance of a width not less than—

(*a*) where it is a length of road in unsettled ground and no persons are carried in vehicles with open sides therein—two feet ; or

(*b*) in any other case—two and a half feet.

(2) Regulation forty-six of the Coal and Other Mines (Shafts, Outlets and Roads) Regulations, 1956, shall not apply to any place to which paragraph (1) of this regulation applies.

PART IV

Clearances in old roads

7. This Part of these regulations shall apply to every length of road described and used as specified, in relation to any length in which persons are carried in vehicles with open sides, in column 1 of Part I of the schedule to these regulations or, in relation to any other length of road, in column 1 of Part II of that schedule, not being a length to which Part III of these regulations applies, and in these regulations " old road " means such a length of road.

8.—(1) If, with respect to any old road in a mine, an inspector is of opinion that it is necessary that any clearances therein should be widened in order to avoid danger to persons employed in the mine, he may serve on the manager of the mine a notice specifying that road and requiring the manager to execute, before the expiration of such period beginning with the date on which the notice becomes operative (being a date not earlier than the first day of May, nineteen hundred and sixty) as may be specified therein, such works to that road as may be necessary to secure that the clearances therein are (subject to the provisions of regulation nine of these regulations) in every case of a width not less than the appropriate clearance (if any) specified in relation to that road in column 2 of Part I or Part II (as the case may require) of the schedule to these regulations.

(2) The provisions of Part XV of the Act with respect to references upon notices served by inspectors shall apply to a notice of requirement under the last preceding paragraph and either of the following shall be a relevant ground of objection to such a notice, namely—

(*a*) that the execution of the said works is not necessary in order to avoid danger to persons employed in the mine ;

(*b*) that it is not practicable for the said works to be executed before the expiration of the period specified in the notice.

(3) Paragraph (3) of regulation six and paragraph (3) of regulation seven of the Coal and Other Mines (Locomotives) Regulations, 1956, shall not apply in relation to any old road in which a locomotive runs, being a road with respect to which a notice served under the provisions of paragraph (1) of this regulation has become operative.

Working places and boarding points

9. After the thirty-first day of July, nineteen hundred and sixty-four, the provisions of regulation six of these regulations shall apply to every working place and boarding point in an old road as if it were a working place or boarding point in a new road.

PART V

Miscellaneous Provisions

Notices

10. The manager of every mine shall ensure that in every road which is used by persons on foot there shall be kept posted at each end of the road and at such other place therein as may be requisite to avoid danger, in such characters and in such positions as to be easily seen and read by those persons, notices stating the position in the road of any clearance provided in pursuance of these regulations and indicating any point at which the position of the clearance changes.

11.—(1) Without prejudice to the provisions of section thirty-six of the Act and subject to the provisions of paragraph (2) of this regulation, nothing in these regulations shall require the provision of any clearance in accordance with the requirements of these regulations at any place in a road at which there has occurred a sudden decrease howsoever caused, or a gradual decrease caused by workings in a different plane, of a clearance provided in accordance with those requirements.

(2) The provisions of paragraph (1) of this regulation shall apply only—

(*a*) during such period immediately following the said occurrence as might reasonably have been expected in all the circumstances to be required in order to secure that the clearance is restored to a width not less than the appropriate width specified in these regulations ; and

(*b*) where there is no reasonable ground for apprehending that the running of the vehicles or the operation of the conveyor, as the case may be, on any occasion would result in bodily injury to persons or animals using the road.

Exemptions

12. An inspector, if he is satisfied that the application of any provision of these regulations is not requisite for safety or is inappropriate in relation to any mine or part thereof, may by notice served on the manager of that mine exempt it or a part thereof from the application of that provision.

Dated this fourteenth day of July, nineteen hundred and fifty-nine.

Mills,
Minister of Power.

SCHEDULE

PART I

Clearances in roads in which persons are carried in vehicles with open sides

Column 1	Column 2 Clearances					
Description and usage of length of road	Clearance on one side of road (being a side on which refuge holes are not provided)		Clearance on the other side of road (being a side on which refuge holes (if any) are provided)		Clearance between vehicles on adjacent tracks, or between a conveyor and any vehicle on an adjacent track (as the case may be)	
	Length of road in unsettled ground	Length of road not in unsettled ground	Length of road in unsettled ground	Length of road not in unsettled ground	Length of road in unsettled ground	Length of road not in unsettled ground
	Feet	Feet	Feet	Feet	Feet	Feet
Any length of road in which there is a single track of rails on which persons are carried in vehicles moved otherwise than by hand or by animal traction	2	2	2	2	—	—
Any length of road in which there are two adjacent tracks of rails on each of which persons are carried in vehicles moved otherwise than by hand or by animal traction	2	2	2	2	2	2
Any length of road in which there are two adjacent tracks of rails on one of which (but not on the other) persons are carried in vehicles moved otherwise than by hand or by animal traction	1	1	2	2	2	2
Any length of road in which persons are carried in vehicles moved by animal traction	1	1	2	2	1	1

PART II

Clearances in other roads

Column 1	Column 2 Clearances					
Description and usage of length of road	Clearances on one side of road (being a side on which refuge holes are not provided)		Clearances on the other side of road (being a side on which refuge holes (if any) are provided)		Clearance between vehicles on adjacent tracks, or between a conveyor and any vehicle on an adjacent track or between two adjacent conveyors (as the case may be)	
	Length of road in unsettled ground	Length of road not in unsettled ground	Length of road in unsettled ground	Length of road not in unsettled ground	Length of road in unsettled ground	Length of road not in unsettled ground
	Feet	Feet	Feet	Feet	Feet	Feet
Any length of road in which mechanically or gravity operated rope haulage apparatus is used	—	1	1½	2	—	1
Any length of road in which any locomotive runs	—	1	2	2	—	1
Any length of road in which run vehicles moved by animal traction	—	1	1½	2	—	1
Any length of road in which run vehicles moved by hand	—	1	—	1	—	1
Any length of road in which a single conveyor is operated	1	1½	2	2	—	—
Any length of road in which a double conveyor is operated	1	1½	1	1½	2	2
Any length of road in which a single conveyor is operated and in which, beside the conveyor, is a track of rails on which vehicles run — (*a*) (if the average gradient does not exceed 1 : 5) ...	2	2	—	1	—	1
Any length of road in which a single conveyor is operated and in which, beside the conveyor, is a track of rails on which vehicles run — or (*b*) whatever the gradient. — either	1	1½	2	2	—	1
Any length of road in which a single conveyor is operated and in which, beside the conveyor, is a track of rails on which vehicles run — or (*b*) whatever the gradient. — or	1	1½	—	1	2	2

EXPLANATORY NOTE

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

These regulations made by the Minister of Power under the Mines and Quarries Act, 1954, apply to mines of coal and prescribe the clearances which must be provided in certain underground roads in which conveyors are operated or vehicles run on rails.

Part III of these regulations specifies the clearances to be provided on all "new roads", that is to say, roads which are made after 30th April, 1960, or are enlarged after that date to accommodate a new type of transport, and which, in either case, have an expected life extending beyond 30th April, 1963. Different clearances are specified on the general run of such roads according to—

(*a*) the type of transport used,

(*b*) whether persons are carried in vehicles with open sides,

and a smaller clearance is specified where the road is within nine hundred feet of a working face. In certain cases (reg. 5 (2)) these clearances are not required. In addition, certain specified clearances must be provided (reg. 6) at all places in such roads at which persons normally work or at which they board or alight from vehicles.

Part IV of these regulations relates to roads other than new roads, and provides that an inspector may require the specified clearances to be provided on the general run of such roads where he thinks it is necessary for the purpose of securing the safety of persons employed. Certain specified clearances must be provided at working places and boarding points on those roads after 31st July, 1964.

In certain cases of a decrease in the width of any road temporary relief is granted (reg. 11) from the requirement to provide the specified clearances. A general power of exempting from any of the provisions of these regulations is given to inspectors (reg. 12).