The Coal Mines (Officials and Inspections) General Regulations, 1951

1951 No. 848

Made - - - - 11*th May*, 1951
Laid before Parliament 17*th May*, 1951
Coming into Operation 3*rd September*, 1951

Arrangement of Regulations

Part I.	Appointment and general duties of deputies ...	Regs. 1 to 14
Part II.	Qualifications of deputies	Reg. 15
Part III.	Inspection otherwise than under secs. 64 and 65 of the Act	Regs. 16 and 17
Part IV.	Underground officials superior to deputies ...	Regs. 18 to 20
Part V.	General	Regs. 21 to 24
	Schedule. Consequential amendments relating to the title of deputies.	

The Minister of Fuel and Power in exercise of the powers conferred upon him by section eighty-six of the Coal Mines Act, 1911(a), (in these regulations referred to as " the Act ") as amended by section nine of the Coal Industry Act, 1949(b), and of all other powers him enabling, hereby orders that the following regulations shall have effect:—

PART I

Appointment and general duties of deputies

Appointment and statutory requirements

1.—(1) For subsections (1) and (2) of section fourteen of the Act, there shall be substituted the following subsections:—

" (1) For every mine there shall be appointed by the manager in writing one or more competent persons (in this Act referred to as " deputies ") each of whom shall, in the district assigned to him, during his shift—

(*a*) be in charge of all workmen for the time being in the district, and of all operations in progress therein; and

(*b*) make such inspections and carry out such other duties, with regard to the presence of gas, ventilation, support of roofs and sides and general safety (including the health of persons working in the district), as are required by this Act and the regulations of the mine.

(2) A deputy shall be required to devote his whole time to the duties specified in the foregoing subsection:

(a) 1 & 2 Geo. 5. c. 50. (b) 12, 13 & 14 Geo. 6. c. 53.

Provided that, subject to the provisions of the next following subsection, the said requirement shall not—

(*a*) apply in relation to any district—

(i) in any mine of stratified ironstone;

(ii) in any mine exempted therefrom by the inspector of the division on the ground of the special circumstances of that mine;

(iii) in a small mine, if the number of persons at work in that district during the shift concerned does not exceed ten; or

(iv) in a mine to which none of the foregoing sub-paragraphs of this proviso apply, if the number of persons at work in that district during the shift concerned does not exceed five; or

(*b*) prevent any deputy in any mine being employed in firing shots.

(2A) No duty shall be assigned to any deputy by virtue of the proviso to the last foregoing subsection, if performance of the duty in question would prevent that deputy carrying out his duties relating to safety in a thorough manner, or if the inspector of the division has required that he shall not perform it on the ground that it is likely to prevent him so carrying out the said duties.

(2B) No deputy shall at any time perform any duty himself, or knowingly permit any work by any workman under his charge, if the same would prevent or delay the due performance of any duty or work necessary for safety."

(2) Amendments consequential on the provisions of the foregoing paragraph shall be made—

(*a*) to the Act, as specified in the first part of the schedule to these regulations; and

(*b*) to the several regulations mentioned in the first and second columns of the second part of the said schedule, as specified in relation to them respectively in the third and fourth columns of that part.

(3) Every person appointed before the commencement of these regulations to be a fireman or examiner shall, for all purposes of the Act, be deemed to have been appointed a deputy.

Determination of deputy's districts and meeting stations

2. For subsection (3) of section fourteen of the Act, there shall be substituted the following subsections:—

"(3) The manager shall define the limits of each district in a mine to be in the charge of a deputy (in this Act referred to as a "deputy's district"), so that—

(*a*) every place in the mine in which mineral or stone is being worked is included within the limits of some such district; and

(*b*) no such district is of such a size as may prevent the deputy concerned from carrying out all his duties in a thorough manner, or from making the inspection required by section sixty-four of this Act (if not interrupted) within a period of one and a half hours:

Provided that nothing in paragraph (*a*) shall require any place to be included in any district by reason only that mineral or stone is being worked for the purpose of repairing, restoring or enlarging roads, or of preparing accommodation required for the working of the mine.

(3A) The inspector of the division may object to the limits of any deputy's district as defined by the manager, on the ground of failure to comply with the provisions of paragraph (*a*) or (*b*) of the last foregoing subsection ; and, if, in any such case, the manager does not define other limits for the said district to the satisfaction of the inspector, the matter shall be determined in manner provided by this Act for settling disputes."

3. For section sixty-three of the Act, there shall be substituted the following section :—

"Meeting stations.

63.—(1) For the purposes of the pre-shift inspections hereinafter mentioned, the manager shall appoint a station at one entrance to each deputy's district (in this Act, in relation to the district concerned, referred to as the "meeting-station"); and no workman shall pass beyond the meeting station of, or enter, any such district unless it has, within the previous eight hours, been examined in pursuance of the next following section, and has been reported to be safe :

Provided that nothing in this subsection shall prevent any deputy being accompanied during any such inspection by one competent workman as an assistant.

(2) The inspector of the division may object to the situation of any meeting station appointed by the manager, on the ground that as so situate the station does not provide adequately for the safety of workmen ; and, if, in any such case, the manager does not appoint another meeting station to the satisfaction of the inspector, the matter shall be determined in manner provided by this Act for settling disputes."

4.—(1) The manager shall keep in the office at the mine one or more plans, on a scale not less than six inches to one mile, showing—

(*a*) the limits of each deputy's district as defined by him, and

(*b*) each meeting station as appointed by him,

and shall within seven days of any definition or appointment by him varying any such district or station cause the relevant plan to be revised accordingly.

(2) The provisions of subsections (4) and (5) of section twenty of the Act shall with the requisite modifications apply in relation to any plan kept in pursuance of this regulation as they apply in relation to plans kept in pursuance of subsection (1) of that section.

Pre-shift and other inspections

5. For section sixty-four of the Act there shall be substituted the following section :—

"Pre-shift inspections.

64.—(1) Within the two hours immediately before the commencement of work in any shift during which workmen are to enter any deputy's district, the deputy to whom that district is assigned for that shift, or the deputy to whom it was assigned for the last preceding shift, shall himself ascertain, by inspection of every part of it which is required to be ventilated, the condition of every such part in so far as the presence of gas, ventilation, state of roof and sides and general safety are concerned :

Provided that, while there are workmen continuously in any district, inspections of that district shall not be required to be made under this section more frequently than once in every eight hours.

(2) An inspection required to be made under this section is in this Act referred to as a " pre-shift inspection ".

(3) In mines of stratified ironstone, a pre-shift inspection or an inspection under section sixty-five of this Act may, with the consent in writing of the inspector of the division, be made by two deputies together (one of them being the deputy to whom the district is assigned). And, in relation to any inspection so made, the provisions of this section and of the said section sixty-five shall apply as if references to the deputy concerned, or to the deputy in charge of the district, were references to the two deputies making the inspection.

(4) Except in mines of stratified ironstone (not being mines in the Cleveland district, or mines in which safety lamps are required to be used), a deputy making any pre-shift inspection shall have with him, locked, a flame safety lamp and an electric safety lamp, or one safety lamp combining the two, each such lamp being of a type approved for the purpose by the Minister of Fuel and Power, and no other light shall be used by him during the inspection.

No light shall be used by the workman (if any) accompanying the deputy unless it is a safety lamp of a type approved for general use.

(5) On the completion of each pre-shift inspection, the deputy concerned shall—

(*a*) without delay, record in a book to be kept at the mine for the purpose a full and accurate report thereof (to be known for the purposes of this Act as his " pre-shift report "), which shall, except in so far as it consists of printed matter, be in his handwriting, and shall be signed by him, specifying—

(i) the condition of roof and sides, and of the ventilation, in the district; and

(ii) whether or not there have been found therein any noxious or inflammable gas, or other sources of danger, and, if found, particulars of the same; and

(*b*) cause all requisite instructions relating to safety to be given at the meeting station to the workmen who are to enter the district."

6. For section sixty-five of the Act there shall be substituted the following section:—

" Inspections during shifts.

65.—(1) Each deputy's district in which there are workmen at work shall, subject to the provisions of subsection (3) of section sixty-four of this Act, be inspected by the deputy in charge of it at least twice during each shift; and—

(*a*) no place where workmen are at work shall remain uninspected for more than four hours;

(*b*) if any part of the district remains without any workman being at work in it for two hours or more after the pre-shift inspection, no workman shall enter that part unless—

(i) the part has been inspected under this section within the previous two hours; and

(ii) the workman has received from the deputy concerned all requisite instructions relating to safety.

(2) In cases where, by virtue of the proviso to subsection (1) of the said section sixty-four, there has with respect to the shift of any workmen been no pre-shift inspection, references in the foregoing subsection to a shift shall be construed as references to a period of eight hours immediately following the completion of a pre-shift inspection.

(3) An inspection under this section shall be similar to a pre-shift inspection, save that—

(*a*) it need not extend to any development working which the manager has caused to be marked with a notice as a working not for the time being to be continued ; and

(*b*) a report thereof (other than any general report made by the deputy concerned on the performance of his duties) shall not be required.

(4) An inspection made under this section may also be a pre-shift inspection of the district for the purposes of the succeeding shift, so however that, in any such case, nothing in the last foregoing subsection shall affect the requirements of section sixty-four."

Maintenance of equipment etc.

7. The deputy in charge of a deputy's district shall take all reasonable steps to ensure that—

(*a*) all equipment, apparatus and plant in use in that district are maintained in good order and safe condition ; and

(*b*) if any equipment, apparatus or plant is found by or reported to him to be in an unsafe condition, it is not used while in such a condition.

8. Where sheets or ducts are required to be used for the ventilation of any working place, the deputy in charge of the district shall ensure that they are so placed and maintained that an adequate amount of air reaches that place.

Dangerous places

9. The deputy in charge of any district shall ensure that every place therein which by reason of the presence of gas, or for any other cause, is dangerous is kept so fenced off at each approach that it cannot be inadvertently entered, and that each such fence is marked with a danger sign provided by the owner.

Control of persons under his charge

10.—(1) The deputy in charge of any district shall—

(*a*) keep a record of the names of the workmen under his charge in that district during his shift ; and

(*b*) take all reasonable steps to ensure that every such workman understands and carries out—

(i) his duties under the Act, the regulations of the mine and any order made under the Act ; and

(ii) every direction given to him with a view to safety.

(2) A direction given to any person by the deputy in charge of a district requiring that person forthwith to leave that district and to return to the surface, on the ground that that person has infringed, or has attempted

to infringe, any provision of the Act, or of the regulations of the mine, or of any order made under the Act, shall for the purposes of section seventy-four of the Act be deemed to be a direction with respect to working given to that person with a view to safety.

Duties on conclusion of shift

11.—(1) At the end of a shift in any district, the deputy in charge, or a person appointed by him under regulation fourteen, shall, unless there is any person then in that district for the succeeding shift, ensure that—

(*a*) the ventilation is taking its proper course; and

(*b*) except for what is necessary for the safety of the mine, all lights are extinguished and all power cut off:

Provided that, if workmen are to arrive in the district for the succeeding shift before the expiry of thirty minutes from the departure of the last workman in that shift, fixed electric lights need not be extinguished.

(2) The deputy in charge of a district shall not leave the mine at the end of any shift, if there are to be workmen at work in that district during the succeeding shift, until he has conferred with the deputy succeeding him, and has given to that deputy all information which he then has which is necessary for the safety of persons employed in the district:

Provided that this paragraph shall not apply if no workman is to arrive in the district for the succeeding shift before the expiry of one hour from the departure of the last workman in the shift in question.

Deputy's report on shift

12.—(1) The deputy in charge of a district shall, as soon as practicable after the end of his shift, record in a book to be kept at the mine for the purpose a report (to be known for the purposes of the Act, in relation to that shift, as the "general report") on the performance of all his duties during the shift, and on anything known to him which has occurred which is material to the proper working of the mine or the safety and health of persons employed in his district.

(2) Every report made in pursuance of this regulation shall, except in so far as it consists of printed matter, be in the handwriting of the deputy concerned, and shall be signed by him.

Miscellaneous duties

13. If any way or part of a way affording means of egress from a deputy's district to the surface for the purposes of section thirty-six of the Act is not ordinarily used for travelling, each deputy regularly assigned to be in charge of that district shall forthwith make himself acquainted with that way or that part, and shall thereafter travel the whole of it once at least in every month.

14.—(1) If the deputy in charge of a district leaves the district while workmen are still at work therein, he shall appoint a competent person to exercise control in it on his behalf, so however that no such appointment shall relieve the deputy of his duties with regard to inspections and reports.

(2) While any person so appointed is in charge of the district, he shall (within the limits specified in paragraph (1)) perform all duties, and may exercise all powers, attaching to the deputy concerned under the Act or the regulations of the mine.

PART II

Qualifications of deputies

Amendment of section 15 of the Act

15.—(1) The following section shall be substituted for section fifteen of the Act:—

"Qualifications of deputies.

15.—(1) Subject to the provisions of this section, no person shall be qualified to be appointed or to be a deputy unless—

(*a*) he is the holder—

(i) of a first or second class certificate of competency under this Act; or

(ii) of a deputy's certificate granted to him by the Minister of Fuel and Power, after receipt of a report by the Mining Qualifications Board that he possesses the qualifications required under this Act; and

(*b*) he has within the last preceding five years obtained certificates, granted as respectively prescribed in rules made by the Board aforesaid, that he was then—

(i) able to make accurate tests for inflammable gas (so far as is practicable with a flame safety lamp), and able in so far as concerned his hearing to carry out his duties efficiently; and

(ii) proficient in first aid:

Provided that, in the case of a deputy in a mine of stratified ironstone (not being a mine in the Cleveland district or a mine in which safety lamps are required to be used), no certificate in pursuance of sub-paragraph (i) of paragraph (*b*) of this subsection shall be required.

(2) Paragraph (*a*) of the foregoing subsection shall not apply in the case of any person who is, during the period beginning on the first day of June and ending on the thirty-first day of August, nineteen hundred and fifty-two, certified by the manager of a mine to be a person who at some time before the said first day of June had been appointed in writing to perform, and had in fact performed, the duties of a deputy in that mine, and who immediately before that day was fully qualified to perform them.

(3) If, in the case of a small mine, the number of persons who may be appointed deputy is less, by reason of sickness, holidays or other temporary cause, than the number then requisite for full working in the mine, one or more competent persons may be appointed by the manager in writing to perform the duties of a deputy for a period not exceeding three months, so however that notice of any such appointment shall within seven days be sent to the inspector of the division.

(4) Rules made by the Mining Qualifications Board under section nine of this Act shall require an applicant for a deputy's certificate either—

(*a*) to have—

(i) reached the qualifying standard in a written examination covering the elementary principles of safe mining practice (including elementary mining science) and the statutory requirements relating to a deputy's duties ;

(ii) reached the qualifying standard in a practical test of the ability of the applicant to perform the statutory duties of a deputy ;

(iii) had not less than four years' practical experience below ground in a mine, of which not less than eighteen months was at the face of the workings ; and

(iv) attained an age not less than twenty-three years ; or

(*b*) to have—

(i) reached the qualifying standard in the practical test specified in sub-paragraph (ii) of the foregoing paragraph ;

(ii) had not less than five years' practical experience below ground in a mine, of which not less than two years was at the face of the workings ; and

(iii) attained an age not less than twenty-five years:

Provided that the rules may provide for the reduction by the Board of any required period of practical experience, in the case of any applicant possessing special qualifications or experience (including the performance of national service), so however that the practical experience as so reduced shall not be less than three years below ground in a mine, of which not less than one year was at the face of the workings.

(5) In the case of any person obtaining a certificate in pursuance of paragraph (*b*) of subsection (1) of this section while he is employed as a deputy, the expense of obtaining that certificate shall be borne by the owner of the mine.

(6) A certificate made for the purposes of subsection (2) of this section shall be on a form provided for the purpose by the Minister, and shall, within fourteen days of being made, be authenticated by the owner of the mine, or by a representative of the owner superior to the manager.

(7) The certificates required under this section relating to every deputy employed at any mine (including any certificate made for the purposes of subsection (2)) shall be kept at the office at the mine, and shall be produced on demand to any inspector."

(2) In subsection (1) of section nine of the Act (as amended by the Coal Mines (Mining Qualifications Board) General Regulations, 1950(a)) there shall be added at the end the words:—

"Such rules shall with respect to applicants for a deputy's certificate comply with the provisions of subsection (4) of section fifteen of this Act."

(a) S.I. 1950 (No. 77) I, p. 378.

PART III

Inspection otherwise than under secs. 64 and 65 of the Act

Roads and airways

16.—(1) In section sixty-six of the Act, the words from " and " in paragraph (*c*) to " in the mine " in paragraph (*d*) shall be deleted.

(2) The said section, as so amended, shall be deemed to be subsection (1) thereof, and the following subsections shall be inserted after it:—

" (2) Inspections by competent persons appointed by the manager for the purpose (each being qualified under this Act to be a deputy) shall be made—

(*a*) to the extent necessary for a thorough examination of its condition, of—

(i) every working place specified in the next following subsection (not being within the limits of any deputy's district), at the beginning of each shift during which any workman is to be at the working place, and, in addition, at least once during each such shift;

(ii) every place where persons regularly pass (not being within the limits of any deputy's district), at intervals not exceeding twenty-four hours; and

(iii) every airway, at intervals not exceeding seven days; and

(*b*) to the extent necessary to ensure that it is fit and safe for travelling, of every road or part of a road not otherwise subject to inspection under this subsection, at intervals not exceeding seven days:

Provided that the requirement in this subsection that each competent person shall be qualified under this Act to be a deputy shall not have effect until the first day of December, nineteen hundred and fifty-four.

(3) The working places referred to in sub-paragraph (i) of paragraph (*a*) of the last foregoing subsection are all places at which any workman is—

(*a*) working mineral or stone for the purpose of repairing, restoring or enlarging roads, or of preparing accommodation required for the working of the mine;

(*b*) withdrawing equipment, plant or supports in preparation for the abandonment of the place concerned; or

(*c*) working where persons do not regularly pass.

(4) The provisions of subsection (1) regarding reports shall with the requisite modifications apply in relation to inspections under subsection (2) of this section, as they apply in relation to examinations under subsection (1)."

Safety lamps

17.—(1) No workman shall travel to his work in any mine in which safety lamps are required to be used, unless, before or as soon as practicable after he entered the mine, his safety lamp was examined by a deputy or other competent person appointed by the manager for the purpose and found to be in safe working order and properly locked.

(2) If and for so long as, in any part of any mine, safety lamps are introduced as a temporary precaution, the manager shall appoint a place for the examination of safety lamps in pursuance of this regulation; and no workman shall proceed beyond the place so appointed, unless his safety lamp was examined at that place by a person appointed as if in pursuance of paragraph (1) and found to be in safe working order and properly locked.

PART IV

Underground officials superior to deputies

Qualifications

18.—(1) No person shall be qualified to be appointed or to be an underground official superior to the deputies but inferior to the manager or undermanager in any mine, unless he is—

(*a*) the holder of a first or second class certificate of competency under the Act;

(*b*) not less than twenty-four years of age and the holder of a deputy's certificate, granted on a report by the Mining Qualifications Board that he has the qualifications required under paragraph (*a*) of subsection (4) of section fifteen of the Act, being a person who has had not less than one year's experience as a deputy;

(*c*) not less than twenty-seven years of age and the holder of a deputy's certificate, granted on a report by the Board aforesaid that he has the qualifications required under paragraph (*b*) of subsection (4) aforesaid, or of a certificate made in pursuance of subsection (2) of the said section fifteen, being a person who has had not less than two years' experience as a deputy; or

(*d*) a person who has during the period beginning on the first day of June, and ending on the thirty-first day of August, nineteen hundred and fifty-two, been certified by the manager of a mine to be a person who at some time before the said first day of June had been appointed in writing to perform, and had in fact performed, the duties of such an official in that mine, and who immediately before that day was fully qualified to perform them.

(2) A certificate for the purposes of sub-paragraph (*d*) of paragraph (1) shall be made on a form provided for the purpose by the Minister, and shall within fourteen days of being made be authenticated by the owner of the mine, or by a representative of the owner superior to the manager.

Appointment

19. All officials appointed under this part of these regulations to perform duties in relation to the working of the mine shall be appointed by the manager in writing.

Duties

20.—(1) Each official appointed as mentioned in regulation nineteen shall be responsible for the observance of all safety requirements relating to his duties, and for the safe performance of any operation which he has been appointed to supervise.

(2) Each such official shall—

(*a*) during his shift, confer with the deputy in charge of each district to which his duties relate, and with each other official then performing duties in or responsible for any such district or any other part of the mine to which his own duties relate;

(*b*) at the end of his shift, give to any person succeeding him in the performance of his duties all information which he then has which is necessary for safety; and

(*c*) within twenty-four hours of the end of his shift, examine and countersign any general report which includes matters relating to the performance of his own duties, in so far as it relates to those matters.

PART V

General

Exceptions

21. These regulations shall not, in so far as concerns regulations four, eight, nine, eleven, thirteen and fourteen, apply to shafts in the course of being sunk.

Interpretation

22.—(1) In these regulations, the following expressions have the meanings hereby assigned to them respectively:—

"the Act" means the Coal Mines Act, 1911;

"the Minister" means the Minister of Fuel and Power;

"general report", in relation to any shift, has the meaning assigned by paragraph (1) of regulation twelve.

(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.

Revocation

23. The following regulations and orders are hereby revoked:—

(*a*) of the general regulations made the tenth day of July, nineteen hundred and thirteen(**b**), regulations forty-six to sixty-two;

(*b*) of the Coal Mines General Regulations, 1938(**c**), regulations six and seven;

(*c*) orders of the Secretary of State made respectively the second day of May, nineteen hundred and twelve(**d**), and the thirteenth day of August, nineteen hundred and seventeen(**e**), each prescribing a form of certificate.

Citation and commencement

24.—(1) These regulations may be cited as the Coal Mines (Officials and Inspections) General Regulations, 1951.

(2) These regulations shall come into operation on the third day of September, nineteen hundred and fifty-one, so however that the provisions contained in the second part of these regulations and in regulation eighteen, and the provisions revoking regulation forty-seven of the general regulations aforesaid(**b**), and the orders of the Secretary of State aforesaid(**d**)(**e**), shall not have effect until the first day of June, nineteen hundred and fifty-two.

Dated this eleventh day of May, nineteen hundred and fifty-one.

Donald Fergusson,
Secretary
to the Ministry of Fuel and Power.

(a) 52 & 53 Vict. c. 63. (b) S.R. & O. 1913 (No. 748), p. 680.
(c) S.R. & O. 1938 (No. 797) I, p. 580. (d) S.R. & O. 1912 (No. 450), p. 508.
(e) S.R. & O. 1917 (No. 919), p. 662.

SCHEDULE Reg. 1 (2)

Consequential amendments relating to the title of deputies

PART I

The Coal Mines Act, 1911

Col. 1 Identification of provision	Col. 2 Existing expression	Col. 3 Substituted expression
Sec. 16 (2)	" firemen, examiners or deputies "	" deputies "
Sec. 16 (3)	,, ,,	,,
Sec. 27 (1)	,, ,,	,,
,, ...	" fireman, examiner or deputy "	" deputy "
Sec. 34 (1) (ii)	,, ,,	" deputy in charge of the district "
Sec. 50 (4D)	" fireman, examiner or deputy of the district "	,, ,,
Sec. 51	" the firemen, examiners or deputies "	" each deputy concerned "
Sec. 52 (2)	" a fireman, examiner or deputy "	" any deputy concerned "
,, ...	" the firemen, examiners and deputies "	" each such deputy "
Sec. 67 (1) (twice) ...	" fireman, examiner or deputy "	" deputy "
Sec. 67 (4)	,, ,,	" deputy concerned "

PART II

General regulations

Col. 1 Instrument	Col. 2 Regulation	Col. 3 Existing expression	Col. 4 Substituted expression
General Regulations, 10th July, 1913, S.R. & O. 1913 (No. 748) p. 680.	7	" fireman, examiner or deputy, or other "	" deputy in charge of the district or some other "
,,	8	,,	,,
,,	17	,,	,,
,,	32	" fireman, examiner or deputy "	" deputy "
,,	33	" firemen, examiners or deputies "	" deputies "
,,	43	,,	,,

Col. 1	Col. 2	Col. 3	Col. 4
General Regulations, 30th July, 1920, S.R. & O. 1920 (No. 1423) I, p. 1188	9 (i)	" fireman, examiner or deputy "	" deputy or deputies concerned "
Coal Mines General Regulations (First Aid) 1930, S.R. & O. 1930 (No. 91) I, p. 168	7	" district of a fireman, examiner or deputy "	" deputy's district "
Coal Mines General Regulations (Firedamp Detectors) 1939, S.R. & O. 1939 (No. 322) I, p. 368	8	" firemen, examiners or deputies "	" deputies "
Coal Mines (Lighting) General Regulations, 1947, S.R. & O. 1947 (No. 972) I, p. 325	5 (1) (*a*)	" fireman, examiner or deputy "	" deputy "
Coal Mines (Ventilation) General Regulations, 1947, S.R. & O. 1947 (No. 974) I, p. 337	13	" a fireman, examiner or deputy or other "	" the deputy in charge of the district or some other "
,,	14 (6)	" any fireman, examiner or deputy or other "	,,
,,	,,	" such fireman, examiner or deputy or other such official "	" the said official "

EXPLANATORY NOTE

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

1. These regulations codify with certain amendments the law relating to the qualification, appointment and duties of underground officials below the manager and under-manager, in mines to which the Coal Mines Act, 1911, applies. They also include revised requirements for the regular inspection of places outside the deputy's districts, and for the examination of safety lamps before workmen travel to their places of work.

2. The title of " deputy " is to be adopted universally. Each district in a mine which is under the charge of a deputy will in future be known as a " deputy's district ".

3. The more important of the other changes are as follows :—

(*a*) In Part I (relating to the appointment and general duties of deputies), regs. 1 and 2 substitute new subsections in sec. 14 of the Coal Mines Act, 1911, for subsections (1), (2) and (3) ; in addition to being responsible for safety inspections, etc., a deputy is to be in charge of all workmen and all operations in his district, but, both for him and for his workmen, safety duties are to have priority over other duties. The inspector of the division may prohibit the assignment to any deputy of any duty which he thinks would prevent the deputy carrying out his duties relating to safety in a thorough manner. The manager is

required to define the limits of each deputy's district, subject to specific limitations as to its size; and the inspector of the division may object to them, if he thinks they do not comply with the provisions of the Act.

(*b*) Reg. 3 amends sec. 63 of the Coal Mines Act, 1911, and, in particular, allows the inspector of the division to object in the interests of safety to the place appointed by the manager as the meeting station for any district.

(*c*) Regs. 5 and 6 amend secs. 64 and 65 of the Coal Mines Act, 1911. Inspections under sec. 64 are to be known as "pre-shift inspections". A pre-shift inspection and at least two inspections during the shift are required. No place where workmen are at work is to remain uninspected for more than four hours, and no workman is to enter a part of a district in which there have been no workmen at work during the previous two hours, unless it has been inspected within those two hours. The existing provision that, if one shift succeeds another without an interval, they are deemed to be one shift is replaced by qualifications in the new sections 64 and 65 for such cases; these substitute references to periods of eight hours for references to shifts in each section. And the sections are so worded that one of the inspections under sec. 65 may, if it complies with the requirements of sec. 64, be also the pre-shift inspection for the following shift. The provisions regulating the lamps to be carried during these inspections are now included in the sections, instead of in the Coal Mines General Regulations, 1938.

(*d*) Regs. 7 to 14 assemble, with certain amendments, all provisions relating to the duties of deputies which were previously found in different places in the General Regulations of 1913 and 1938 (except those now incorporated into the Act). The amendments include provision (reg. 12) for a general report by the deputy at the end of his shift, on a form to be prescribed. A deputy leaving his district while workmen are still at work is to appoint a competent person to exercise control on his behalf (reg. 14); he cannot, however, delegate his duties relating to inspections and reports.

(*e*) In Part II, reg. 15 amends sec. 15 of the Coal Mines Act, 1911, with respect to the qualifications of deputies. There is to be a deputy's certificate, granted by the Minister of Fuel and Power on the recommendation of the Mining Qualifications Board. And, to be a deputy, a person must be the holder of a certificate of competency or of a deputy's certificate, and must also hold certificates (granted within the last five years) (*a*) of his ability to test for gas, and of his powers of hearing being unimpaired, and (*b*) of his proficiency in first aid. The Mining Qualifications Board are required to make rules for deputy's certificates, providing for a written examination and a practical test, with certain practical experience, and a minimum age of 23; the rules are also to provide that applicants aged 25 years or more, with an additional year of practical experience, may qualify by passing the practical test only. The Mining Qualifications Board are to have power to reduce the period of practical experience required, in the case of persons having special qualifications. A consequential amendment to permit of these rules is made in sec. 9 (1) of the Act. There are certain relaxations for certain classes of mines. In particular, in small mines, if, by reason of some temporary cause, a sufficient number of qualified persons are not available, other persons, competent but not qualified under the Act, may be appointed temporarily.

(*f*) In Part III, which relates to inspection otherwise than under secs. 64 and 65 of the Coal Mines Act, 1911, reg. 16 amends sec. 66. In general, places where workmen are at work, but which are not within a deputy's district, are to be thoroughly examined at the beginning of, and also during the course of, each shift; places where persons regularly pass, which are not within such a district, are to be thoroughly examined every twenty-four hours; all airways in the mine are to be thoroughly examined every seven days; roads not otherwise subject to inspection are to be inspected every seven days, to make certain that they are fit and safe for travelling.

(*g*) Under reg. 17, the manager must ensure that safety lamps are inspected before or as soon as practicable after entry into the mine; and, if safety lamps are introduced as a temporary precaution in any part of a mine, the manager must appoint a place for a corresponding inspection.

(*h*) In Part IV, regs. 18 and 19 regulate the qualifications and appointment of underground officials superior to deputies, and replace regs. 46 to 48 of the general regulations of 1913. Such an official must be the holder of a certificate of competency, or else, either be 24 years of age and the holder of a deputy's certificate granted after a written examination, or be 27 years of age and the holder of a deputy's certificate granted after a practical test only. The holder of a deputy's certificate must have had experience as a deputy (either for one year or two years, according to whether or not he has qualified for it by means of the written examination).

(*i*) Reg. 20 prescribes safety duties for such officials. They are to be generally responsible, within their respective spheres, for the observance of all safety requirements, and for the safe performance of all operations. They are to confer with all deputies and other officials performing duties in the districts, and also with their own successors; and they are to countersign the general reports of the deputies, in so far as these concern the districts or duties for which they themselves were responsible.

4. The regulations come into operation on 3rd September, 1951, except for those provisions in Parts II and IV which relate to the qualifications of deputies and superior underground officials, which will operate only from 1st June, 1952. Both for deputies and for other officials, there are transitional provisions, enabling men who have been appointed and have performed duties, before this date, and who are still qualified to perform them, to continue to act (see sec. 15 (2) of the Coal Mines Act, 1911, as amended by reg. 15, and reg. 18 (1) (*d*)).

5. Consequential amendments, necessitated by the change in title of deputies are made in the Act (see Part I of the schedule) and various general regulations (see Part II of the schedule).