1952 No. 1846

The Coal Mines (Surveyors and Plans) General Regulations, 1952

Made - - - -	*20th October*, 1952
Laid before Parliament	*22nd October*, 1952
Coming into Operation	*15th December*, 1952

ARRANGEMENT OF REGULATIONS

Part I. Appointment, qualifications and duties of surveyors.
Part II. Plans and sections to be kept at mines.
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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) 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, qualifications and duties of surveyors

1.—(1) For every mine there shall be appointed by the owner in writing a surveyor who shall be responsible for the preparation of any plans, drawings and sections of the mine required by sections twenty and twenty-one of the Act and regulation four of these regulations in accordance with those provisions.

(2) On the appointment of a person to be the surveyor for a mine, the owner shall send to the inspector of the division notice in writing of the name and address of that person, and the number of the surveyor's certificate granted to him.

2.—(1) No person shall be qualified to be appointed or to be the surveyor for a mine, not being a small mine or mine of fire-clay, unless—

(*a*) he is the holder of a surveyor's certificate, and

(*b*) 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 that certificate.

(2) No person shall be qualified to be appointed or to be the surveyor for a small mine or mine of fire-clay unless he is the holder of a surveyor's certificate.

(3) In subsection (1) of section nine of the Act (as amended by the Coal Mines (Mining Qualifications Board) General Regulations, 1950(c)), there shall be added at the end the following paragraph—

" Such rules with respect to applicants for a surveyor's certificate shall require any such applicant to have had such experience in surveying mines (whether in the United Kingdom or elsewhere) as may be specified in the rules, which experience shall be for a period of not less than four years

(a) 1 & 2 Geo. 5. c. 50. (b) 12, 13 & 14 Geo. 6. c. 53. (c) S.I. 1950/77; 1950 I, p. 378.

subject to such reduction in respect of any qualification or experience (including performance of national service) acquired by the applicant as the Board may determine having regard to any directions given to them by the Minister."

(4) In these regulations " surveyor's certificate " means—

(*a*) a certificate granted by the Minister after receipt of a report by the Mining Qualifications Board that the applicant possesses the requisite qualifications for such a certificate and is at least twenty-one years of age, or

(*b*) a certificate which was in force immediately before the coming into operation of these regulations and which was or was deemed to be a certificate granted under the Coal Mines (Prescription of Qualifications of Surveyors) Order, 1942(**a**).

3. The provisions of sections eleven and twelve of the Act (which relate to inquiries into the competency of holders of certificates and to the cancellation and suspension of certificates) shall apply in relation to a surveyor and surveyor's certificate, and accordingly those sections shall have effect subject to the variation that references therein to managers and to certificates of competency shall be deemed to include references to surveyors and surveyors' certificates respectively.

PART II

Plans and sections to be kept at mines

4.—(1) In the case of any mine, plans and sections of the workings of which are made after the coming into operation of these regulations and in the case of any mine after the thirty-first day of December, nineteen hundred and sixty-two, the plans, drawings and sections to be kept in the office at the mine shall comply with the requirements of this regulation, and accordingly at the beginning of subsection (1) of section twenty of the Act there shall be inserted the words—

" Subject to the provisions of any general regulations made under this Act,".

(2) The plans and sections of the workings to be kept as aforesaid are—

(*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 stone 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 one hundred yards from their actual positions at any time ;

(*b*) in respect of mines other than mines 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 in the mine ;

(*c*) in respect of mines of stratified ironstone, a section of the strata sunk or driven through or, if that is not practicable, sections of the seams being worked in the mine, and in any case any additional sections of the seams that may be necessary to show any substantial variation in the thickness or character thereof.

(**a**) S.R. & O. 1942/1509; Rev. IV, p. 292; 1942 I, p. 64.

(3) A separate plan for each seam shall not be required where an exemption is granted by the inspector of the division on account of the special circumstances of the mine, so long as the workings in each seam are clearly distinguished by the use of different colours or otherwise.

(4) Plans and sections kept under this regulation in respect of any mine shall be in such form, conform to such standards and record such information as to orientation, contours, boundaries, other workings, faults or other features as are specified in rules made by the Minister in relation to mines of that class or description, and such rules may provide for the making of supplementary plans and drawings, where necessary to show the required information fully and clearly.

(5) The provisions of subsections (3), (4) and (5) of section twenty of the Act shall apply to the plans, drawings and sections of the workings kept under this regulation as if they were kept under that section and as if references to the particulars required to be shown were the particulars required under these regulations.

5.—(1) The plans of the workings of any mine to be kept under subsection (1) of section twenty of the Act or under the last preceding regulation shall record so far as practicable—

(*a*) the position of any disused workings or any abandoned workings within, or not more than one hundred and twenty-five yards outside, the boundary of the mine, and

(*b*) the position of any workings not more than one hundred and twenty-five yards outside the boundary of the mine up to a date not more than three months past,

being in either case workings which are, or are likely at any stage of the working to be, at a depth differing from the depth of the workings to which the plans relate by not more than forty yards, or which are likely at any time to contain an accumulation of water dangerous to the workings to which the plans relate.

(2) If there is any evidence that within one hundred and fifty feet of any working in any mine there may be—

(*a*) any material which when wet is likely to flow, including peat, moss, sand, gravel and silt, or

(*b*) any rock or stratum likely to contain water (whether dispersed or in natural cavities) which might constitute a danger to persons in the mine,

the said plans shall record the nature, position, thickness and extent thereof as accurately as possible, and shall also record such particulars, so far as they are available, of any such material, rock or stratum within or not more than one hundred and twenty-five yards outside, the boundary of the mine.

6. At the end of subsection (2) of section twenty of the Act there shall be inserted the words—

"Provided that if the inspector of the division is satisfied that the said information cannot be shown fully and clearly on a plan he may authorise the keeping in substitution therefor of such a drawing as will show the information fully and clearly."

7. After subsection (2) of section twenty of the Act there shall be inserted the following subsection—

"(2A) The owner, agent or manager of every mine shall also keep in the office at the mine a copy of a geological map of the district in which the mine is situated 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."

8. For subsection (3) of section twenty of the Act, there shall be substituted the following subsection—

"(3) Every such plan shall be on a scale of not less than 1.2500, shall show the required information fully and clearly and shall be of a durable character."

9.—(1) If it appears to the inspector of the division that information which ought to be shown on a plan, drawing or section of the workings of a mine required to be kept by virtue of section twenty of the Act or regulation four of these regulations cannot for any reason be shown fully and clearly, he may by notice sent to the manager of that mine consent to or require the keeping of supplementary plans, drawings or sections specified in the notice, being plans, drawings or sections necessary to show that information fully and clearly.

(2) Any dispute between the inspector and the manager whether the keeping of such supplementary plans, drawings or sections is necessary shall be determined in manner provided under the Act for settling disputes.

(3) Any plans, drawings or sections required to be kept in pursuance of this regulation shall be deemed to be part of the plans and sections required to be kept by virtue of section twenty or regulation four, as the case may be.

10. All plans, drawings and sections of a mine required to be kept by virtue of section twenty of the Act or of these regulations shall be prepared by or under the supervision of the surveyor for that mine, and the accuracy, as regards any matters which may involve substantial error or danger, of any plans, drawings or sections which have not been prepared by him shall be established by him or a person who is qualified to be appointed the surveyor for that mine.

11.—(1) The owner, agent and manager of any mine shall make available to the surveyor for that or another mine all such information and facilities as he may require to enable him to prepare the plans, drawings and sections of the mine required by the Act and these regulations.

(2) Without prejudice to the generality of paragraph (1) of this regulation the manager of any mine shall forthwith inform in writing the surveyor of that mine when any working becomes disused.

12.—(1) The surveyor for any mine shall ensure that working papers recording all observations or calculations which were necessarily made for the preparation or checking of any plans, drawings or sections of the mine are signed by the person making them and are preserved and shall on request at any time of an inspector produce them to him.

(2) When any person ceases to be a surveyor for a mine any working papers referred to in the last preceding paragraph held by him shall be transferred to the owner or the person appointed in his place.

PART III

Plans of abandoned mines

13. For subsections (1), (2) and (3) of section twenty-one of the Act, there shall be substituted the following subsections—

"(1) Where any mine or seam is abandoned the person who is the owner of the mine or seam at the time of its abandonment shall within three months after the abandonment send to the Minister of Fuel and Power the plans, drawings and sections of those workings required to be kept in the office at the mine under the last preceding section or under general regulations made under this Act or accurate copies thereof of a durable character on the same scale prepared by or under the supervision of the surveyor for that mine. There shall be included thereon such additional information relating to matters existing at the time of the abandonment as may be specified in rules made by the Minister.

(2) On any plan sent to the Minister under this section there shall be endorsed a certificate by a person who was the manager or agent of the mine at the time of the abandonment of the workings that no further work was carried out after abandonment which would affect the accuracy of the plan.

(2A) On any plan sent to the Minister under this section there shall be endorsed or attached a report of the surveyor for that mine, or if he is not available by another holder of a surveyor's certificate who is employed at that mine or qualified to be appointed the surveyor for that mine, being a report which indicates the extent to which he can certify the accuracy and completeness thereof at the date of abandonment, the steps taken by him to ensure such accuracy and completeness and the reason for any qualification, and may include any information which he considers desirable for the promotion of safety.

(2B) In this section "surveyor's certificate" means a certificate having effect for the purposes of general regulations made under this Act relating to the appointment and duties of surveyors.

(3) Any plans, drawings and sections sent to the Minister under this section shall be preserved by the Minister or on his behalf by a person appointed by him."

14. For subsection (5) of section twenty-one of the Act, there shall be substituted the following subsection—

"(5) Where a mine or seam has not been worked for a period of twelve months it shall be deemed for the purposes of this section to have been abandoned without prejudice to the application of any other provision of this Act to anything done therein:

Provided that the preceding provisions of this section shall not apply to any mine or seam so deemed to be abandoned if the inspector of the division has certified that, having regard to the method of working it and to the plans, drawings and sections thereof kept in the office at the mine, compliance with those provisions appears to him to be unnecessary subject to compliance with any requirements specified in the certificate."

15. In subsection (7) of section twenty-one of the Act after the words "requirements of this section" there shall be added the words "or, in the case of an offence relating to the inaccuracy of a plan, within six months of that offence first coming to the notice of an inspector".

16. Where any mine is abandoned the person who is the owner of the mine at the time of its abandonment shall send to the Minister with the plans, drawings and sections required to be sent by section twenty-one of the Act any working papers required to be preserved under regulation twelve hereof relating to that mine, or certified copies thereof.

PART IV

General

17.—(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;

"surveyor's certificate" has the meaning assigned by paragraph (4) of regulation two.

(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.

18. The Coal Mines (Prescription of Qualifications of Surveyors) Order, 1942, is hereby revoked.

19. These regulations shall come into operation on the fifteenth day of December, nineteen hundred and fifty-two, and may be cited as the Coal Mines (Surveyors and Plans) General Regulations, 1952.

Dated this twentieth day of October, nineteen hundred and fifty-two.

John Maud,

Secretary to the Ministry of Fuel and Power.

EXPLANATORY NOTE

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

Part I of these regulations requires the appointment of a surveyor for every mine who is to be responsible for the preparation of the statutory plans of the mine. The surveyor appointed must hold the statutory mine surveyor's certificate and (subject to certain exceptions) have had 3 years' experience in mining surveying subsequent to certification.

Part II amends and supplements the requirements of section 20 of the Coal Mines Act, 1911, concerning the form and content of the statutory plans. Certain of the provisions of this Part apply to all those plans; others do not apply to existing plans until 31st December, 1962. Any plans not prepared by the appointed surveyor must be checked by him or by a person qualified to be appointed the surveyor. Working papers are to be preserved.

Part III amends the requirements of section 21 of the Act concerning the form and content of plans of abandoned mines and their deposit with the Minister of Fuel and Power, and the time limit within which complaints and informations under the section may be laid.

(a) 52 & 53 Vict. c. 63.