STATUTORY INSTRUMENTS

1973 No. 194

MINES AND QUARRIES

The Mines (Emergency Egress) Regulations 1973

Made - - -	8*th February* 1973
Laid before Parliament	16*th February* 1973
Coming into Operation	19*th March* 1973

Whereas in pursuance of Part II of Schedule 2 to the Mines and Quarries Act 1954(**a**) the Secretary of State has published notice of his intention to make the following regulations and has not received any objection to the draft thereof in respect to which he is required to refer the draft regulations for inquiry and report:

Now, therefore, the Secretary of State, in exercise of the powers conferred by sections 13, 29, 141 and 143 of the Mines and Quarries Act 1954 and now vested in him(**b**) and all other powers in that behalf enabling him, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Mines (Emergency Egress) Regulations 1973 and shall come into operation on 19th March 1973.

Interpretation

2.—(1) In these regulations—

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

"the 1960 Regulations" means the Coal and Other Mines (Shafts, Outlets and Roads) Regulations 1960(**c**);

"mine" and "mechanically operated winding apparatus" have the meanings respectively assigned thereto in regulation 3.

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

Application

3. Except where the application thereof is further expressly limited these regulations shall apply to every mine at which the apparatus provided for

(**a**) 1954 c. 70.
(**b**) S.I. 1969/1498, 1970/1537 (1969 III,p. 4797; 1970 III, p. 5293).
(**c**) S.I. 1960/69 (1960 II, p. 2028). (**d**) 1889 c. 63.

carrying persons in pursuance of section 28 of the Act through shafts and unwalkable outlets provided at the mine for affording to persons employed below ground therein means of ingress and egress is mechanically operated winding apparatus and in these regulations unless otherwise expressly provided "mine" means such a mine and "mechanically operated winding apparatus" means such apparatus.

Schemes for emergency egress

4.—(1) The owner of every mine shall ensure that there is at all times in force a scheme providing for the provision and maintenance of apparatus for affording to persons employed below ground in the mine means of egress in an emergency for the purpose of such apparatus being constantly available for use in an emergency in the event of the mechanically operated winding apparatus failing to function.

(2) Every such scheme shall specify—

(*a*) the apparatus to be provided;

(*b*) the systematic examination and testing of such apparatus to be carried out to ensure the proper maintenance thereof including the intervals within which such apparatus must be examined and tested and the nature of the examination and testing to be carried out on each occasion and the manner in which the results of every examination and test made pursuant to such a scheme are to be recorded;

(*c*) the training and practice in the use of such apparatus to be carried out and the manner in which they are to be carried out and the time to be allotted to them;

(*d*) any other arrangements to be made for affording to persons employed below ground in the mine safe and reasonably convenient means of egress in an emergency.

(3) The scheme 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 and a copy shall be provided in the covered accommodation provided in accordance with section 135 of the Act.

(4) A copy of the scheme for each mine shall be sent forthwith to the inspector for the district.

(5) It shall be the duty of the owner of each mine to provide the apparatus in accordance with the scheme.

(6) It shall be the duty of the manager of each mine to appoint a competent person to supervise or perform each examination and test carried out pursuant to the scheme.

(7) It shall be the duty of each competent person appointed under the last preceding paragraph to supervise or perform each such examination and test

in accordance with the scheme and to record in a book provided for the purpose by the owner of the mine a report of every defect revealed by any such examination or test.

(8) It shall be the duty of the manager of each mine to appoint competent persons to supervise the training and the practice in the use of all apparatus provided in pursuance of the scheme and to supervise the other arrangements (if any) specified in the scheme for affording to persons employed below ground in the mine means of egress in an emergency.

(9) It shall be the duty of each competent person appointed under the last preceding paragraph to supervise the said training, practice and arrangements in accordance with the scheme.

(10) If an inspector is of opinion that amendment of a scheme is necessary to ensure the proper provision, maintenance and use of such apparatus at the mine or other proper arrangements for affording to persons employed below ground in the mine means of egress in an emergency or to secure the keeping of proper records thereof he may serve on the owner a notice requiring him to ensure that such amendment is made.

(11) 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 provision, maintenance and use of such apparatus at that mine or other proper arrangements for affording to persons employed below ground in the mine means of egress in an emergency or the keeping of proper records thereof, as the case may be.

Use of gravity winding apparatus

5.—(1) Any scheme made under these regulations for a mine of coal, stratified ironstone, shale or fireclay may provide for the use of gravity operated winding apparatus notwithstanding the provisions of regulations 6, 15(3) and 51(1) of the 1960 Regulations or any provisions of any special regulations in force at the mine enabling persons to be carried without the use of keps.

(2) Regulation 7 of the 1960 Regulations shall not apply to any apparatus provided in pursuance of any such scheme.

6. Where pursuant to any scheme made under these regulations gravity operated winding apparatus is being used at a mine other than a mine of coal, stratified ironstone, shale or fireclay regulations 10(2) and 19(1) of the Miscellaneous Mines (General) Regulations 1956(**a**) shall not apply.

Exemptions

7. An inspector may by notice served on the manager of a mine exempt the mine or any part thereof from the application of any of the provisions of these regulations if he is satisfied that the safety of persons employed at the mine will not be prejudiced in consequence of the granting of the exemption.

(**a**) S.I. 1956/1778 (1956 I, p. 1236).

Tom Boardman,

Minister for Industry,
Department of Trade and Industry.

Dated 8th February 1973.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations require there to be schemes for emergency egress at all mines where mechanically operated winding apparatus is provided and amend other regulations to enable gravity operated winding apparatus to be used for this purpose.

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