STATUTORY INSTRUMENTS

1964 No. 209

MINES AND QUARRIES

The Mines (Medical Examinations) Regulations 1964

Made - - - -	*13th February* 1964
Laid before Parliament	*20th February* 1964
Coming into Operation	*1st October* 1964

The Minister of Power, in pursuance of the powers conferred upon him by sections 92, 141 and 143 of the Mines and Quarries Act 1954(a), and of all other powers him enabling, hereby makes the following regulations :—

Commencement and Citation

1. These regulations shall come into operation on 1st October 1964, and may be cited as the Mines (Medical Examinations) Regulations 1964.

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 ;

" approved doctor " has the meaning assigned thereto in regulation 5 ;

" medical examinations book " has the meaning assigned thereto in regulation 8 ;

" the Medical Examinations Regulations of 1956 " means the Coal Mines (Medical Examinations) Regulations 1956(b) ; and

" the Miscellaneous Mines Regulations " means the Miscellaneous Mines (General) Regulations 1956(c).

(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(d) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Revocation

3. The Medical Examinations Regulations of 1956 and regulation 70 of the Miscellaneous Mines Regulations are hereby revoked.

Application

4. These regulations shall apply to every mine of every class.

Medical Examination of young persons and the giving of certificates

5.—(1) The owner of every mine shall make arrangements for the medical examination at the expense of the owner by an approved doctor of every young person when first employed or about to be so employed, before or

(a) 2 & 3 Eliz. 2. c. 70.
(b) S.I. 1956/1775 (1956 I, p. 1421).
(c) S.I. 1956/1778 (1956 I, p. 1236).
(d) 52 & 53 Vict. c. 63.

within thirty days after the first employment of that young person at the mine:

Provided that this paragraph shall not apply in relation to a young person who—

(*a*) has been medically examined pursuant to this paragraph in connection with employment at another mine;

(*b*) has been medically examined pursuant to the Medical Examinations Regulations of 1956 and to whom there was issued pursuant thereto a certificate which specified that he was fit for employment at a mine; or

(*c*) has been medically examined pursuant to regulation 70 of the Miscellaneous Mines Regulations and has been certified fit for employment at a mine.

(2) The owner of every mine shall make arrangements for the medical examination at the expense of the owner by an approved doctor of every young person employed at the mine who has been medically examined pursuant to the Medical Examinations Regulations of 1956 and to whom a certificate pursuant to those regulations has been issued which specifies that a further examination of that young person is requisite, before or within thirty days after the date so specified for such further examination.

(3) The owner of every mine shall make arrangements for the medical examination at the expense of the owner by an approved doctor of every young person employed at the mine who has already been medically examined pursuant to either of the two preceding paragraphs, before or within thirty days after the expiry of the last certificate given pursuant to the next following paragraph in respect of that young person.

(4) The arrangements mentioned in the three preceding paragraphs shall provide for the approved doctor to give a certificate of the result of the examination by making and signing an entry thereof in the medical examinations book provided by the owner of the mine.

(5) Such certificate may state whether in the opinion of the approved doctor the young person is—

(*a*) fit for employment at a mine;

(*b*) unfit for employment at a mine in a capacity or in work specified in such certificate; or

(*c*) unfit for employment at a mine,

and if in the opinion of the approved doctor further examination is requisite within a period less than a year the certificate may specify such period.

(6) The arrangements mentioned in paragraphs (1), (2) and (3) of this regulation shall provide for the approved doctor, if required by the young person examined, to give to him a copy of the certificate and other entries in the medical examinations book in respect of the examination made pursuant to such arrangements.

(7) A certificate given in pursuance of this regulation shall—

(*a*) expire if a period within which further examination is requisite is specified pursuant to paragraph (5) of this regulation upon the expiration of that period and in any other case twelve months after the date of the examination in respect of which the certificate was given; and

(*b*) be revoked by the giving of any further certificate given pursuant to these regulations in respect of the same young person.

(8) For the purpose of these regulations "an approved doctor" means a fully registered medical practitioner who is approved by the Minister for the purposes of these regulations.

Notices

6.—(1) The owner of a mine shall give notice to every young person employed or to be employed at the mine, for whose medical examination arrangements are required by the last preceding regulation to be made, requiring him to attend the approved doctor by whom he is to be examined and specifying the date and time and place at which the young person is to attend for such medical examination.

(2) The date specified in such notice shall be—

(*a*) in the case of a young person to be examined pursuant to regulation 5(1) before or within thirty days after the commencement of his employment;

(*b*) in the case of a young person to be examined pursuant to regulation 5(2) before or within thirty days after the date specified in the certificate therein mentioned for further examination; and

(*c*) in any other case before or within thirty days after the expiry of the certificate given in respect of the previous medical examination of that young person pursuant to these regulations.

(3) When any such notice as is mentioned in paragraph (1) of this regulation is given the owner of the mine shall give to the approved doctor, by whom the young person is to be examined, notice thereof including the name, date of birth and residence of that young person, and, in the case of a medical examination other than the first such examination of that young person pursuant to these regulations, particulars of the last certificate given in respect of that young person, unless the book containing such certificate is to be produced to the approved doctor at the time when that young person is to be examined, and in such case the notice shall state that such book is to be so produced and the page thereof upon which such certificate appears.

(4) Every notice required to be served pursuant to this regulation shall be in writing and shall be served on the young person or the approved doctor as the case may be not less than four days before the date specified in such notice on which that young person is to attend for examination.

Prohibition on employment of certain young persons

7.—(1) No young person, for whose medical examination arrangements are to be made pursuant to regulation 5, shall be employed at a mine after the last date upon which such medical examination ought to take place pursuant thereto, until a certificate in respect of such examination has been given.

(2) No young person shall be employed at any mine or employed in any capacity or in any work at a mine, if there is in force a certificate given in respect of that young person pursuant to these regulations stating that he is unfit for any employment at a mine, or for employment in that capacity or in that work, as the case may be:

Provided that a young person may be so employed for a period not exceeding fourteen days from the giving of such certificate if it appears that the nature of his unfitness is such that his continued employment for that period will not be prejudicial to the health and safety of that young person or of any other person.

Medical Examinations Book and information

8. The owner of every mine shall provide a book (in these regulations referred to as a "medical examinations book") in which shall be entered particulars of every notice given to a young person to attend for any medical examination and every certificate given after such examination, and in any case in which the employment of a young person is terminated in pursuance of regulation 7 the date of termination and the reason therefor.

9. The manager of any mine shall, if so requested by the owner or manager of any other mine, send to him any information with respect to any young person as such owner or manager may reasonably require to enable him or them to comply with these regulations with respect to the employment of that young person at that other mine, being information recorded in pursuance of regulation 5 of the Medical Examinations Regulations of 1956 or otherwise, in the register of young persons kept in pursuance of section 131 of the Act, or recorded in pursuance of these regulations in the medical examinations book.

Dated 13th February 1964.

F. J. Erroll,
Minister of Power.

EXPLANATORY NOTE

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

These regulations are made by the Minister of Power under the Mines and Quarries Act 1954 and provide for the medical examination of young persons (i.e. persons over compulsory school age but under 18) upon first employment at any mine and thereafter at intervals of a year, or sooner if the examining doctor thinks it necessary.

The regulations apply to all mines and revoke and replace the Coal Mines (Medical Examinations) Regulations 1956 and regulation 70 of the Miscellaneous Mines (General) Regulations 1956.

Arrangements are to be made by the owner of the mine at which a young person is employed or to be employed for that young person to be medically examined by a doctor approved by the Minister, and certificates are to be given in a book provided by the owner of the mine. The regulations specify the owner's duties as regards the giving of notices to young persons and the doctors concerned with examinations and the keeping of records and prohibit (apart from 30 days grace) the employment of any young person for whose medical examination arrangements are required to be made until he has been examined, and of any young person found unfit by such examination, either generally or in particular circumstances.

The regulations require young persons first employed at mines after the 30th September 1964, to be examined annually. Young persons employed at coal mines who have already been examined under the regulations revoked by these regulations will not be required to submit to further examination unless the certificate issued under the revoked regulations specifically required further examination. Young persons employed at mines of stratified ironstone, shale or fireclay, who have not hitherto been required to be medically examined, will not have to be examined under these regulations if they continue to be employed at a mine at which they were employed for thirty days before 1st October 1964. Young persons employed at mines other than mines of coal, stratified ironstone, shale or fireclay, to which the Miscellaneous Mines (General) Regulations 1956 apply, and who had been certified fit pursuant to regulation 70 of those regulations will not be required to submit to further examination.