1970. No. 122 **[C]**

MINES

Medical Examinations

REGULATIONS, DATED 1ST JUNE 1970, MADE BY THE MINISTRY OF COMMERCE UNDER SECTIONS 92 AND 120 OF THE MINES ACT (NORTHERN IRELAND) 1969.

WHEREAS in pursuance of Part I of Schedule 2 to the Mines Act (Northern Ireland) 1969(**a**) the Ministry of Commerce has published notice of its intention to make the following regulations and has not received any objection to the draft thereof in respect to which it is required to refer the draft regulations for inquiry and report:

NOW, THEREFORE, the Ministry of Commerce in exercise of the powers conferred on it by sections 92 and 120 of the Mines Act (Northern Ireland) 1969 and of all other powers enabling it in that behalf, hereby makes the following regulations:—

Citation

1. These regulations may be cited as the Mines (Medical Examinations) Regulations (Northern Ireland) 1970.

Application

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

Interpretation

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

"the Act" means the Mines Act (Northern Ireland) 1969;

"approved doctor" has the meaning assigned thereto in regulation 4;

"medical examinations book" has the meaning assigned thereto in regulation 7;

"the Ministry" means the Ministry of Commerce.

(2) Expressions to which meanings are assigned by the Act or by these regulations shall (unless the contrary intention appears) have the same meaning in any document issued under the provisions of these regulations.

Medical Examination of persons under 21 years of age and the giving of Certificates

4.—(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 person under 21 years of age prior to the commencement of his employment at the mine:

Provided that this paragraph shall not apply in relation to any such person who has been medically examined pursuant to this paragraph in connection with employment at another mine at which there is held a

(a) 1969. c. 6 (N.I.).

certificate in respect of that person, being a certificate which is valid having regard to paragraphs (2) and (4) of this regulation.

(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 such person employed at the mine who has already been medically examined pursuant to the preceding paragraph, before or within thirty days after the expiry of the last certificate given pursuant to the next following paragraph in respect of that person.

(3) The arrangements mentioned in the two preceding pargraphs 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.

(4) Such certificate (which shall not include medical data) shall state whether in the opinion of the approved doctor the 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.

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

(6) A certficate given in pursuance of this regulation shall—

(*a*) expire if a period within which further examination is requisite is specified pursuant to paragraph (4) 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 person.

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

Notices

5.—(1) The owner of a mine shall give notice to every person under the age of 21 years who is 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 he is to attend for such medical examination.

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

(*a*) in the case of a person to be examined pursuant to regulation 4(1) before the commencement of his employment; and

(*b*) 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 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 person is to be examined, notice thereof including the name, date of birth and residence of that person, and, in the case of a medical examination other than the first such examination of that person pursuant to these regulations, particulars of the last certificate given in respect of that person, unless the book containing such certificate is to be produced to the approved doctor at the time when that 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 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 person is to attend for examination.

Prohibition on employment of certain persons under the age of 21 years

6.—(1) No person under the age of 21 years, for whose medical examination arrangements are to be made pursuant to regulation 4, 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 such 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 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 such a 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 person or of any other person.

Medical Examinations Book and information

7. 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 person under the age of 21 years to attend for any medical examination and every certificate given after such examination, and in any case in which the employment of such a person is terminated in pursuance of regulation 6 the date of termination and the reason therefor.

8. 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 person under the age of 21 years 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 person at that other mine, being information recorded in the register of young persons and of persons under 21 years of age who are employed below ground kept in pursuance of section 110 of the Act, or recorded in pursuance of these regulations in the medical examinations book.

Sealed with the Official Seal of the Ministry of Commerce for Northern Ireland this 1st day of June 1970 in the presence of

(L.S.) *J. H. Armstrong,*
Assistant Secretary.

EXPLANATORY NOTE

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

These regulations impose a duty on the owner of a mine at which a person under 21 years is employed or to be employed to make arrangements for that person to be medically examined by a doctor approved by the Ministry of Commerce and to provide a book in which such arrangements and results of examinations are to be recorded. Further examinations are required at intervals of one year, or sooner if the examining doctor thinks necessary. The regulations prohibit the employment of any such person until he has been examined and of anyone found unfit by such examination, either generally or in particular circumstances.

1970. No. 123 [C]

MINES

Manner of Search for Smoking Materials

ORDER, DATED 1ST JUNE 1970, MADE BY THE MINISTRY OF COMMERCE UNDER SECTION 66(8) OF THE MINES ACT (NORTHERN IRELAND) 1969.

1. The Ministry of Commerce in exercise of the powers conferred on it by section 66(8) of the Mines Act (Northern Ireland) 1969(a), and of all other powers enabling it in that behalf, hereby prescribes that every search made in pursuance of the said section 66 of the Act at any mine shall be in the manner following, that is to say—

(*a*) the search shall be made by a person appointed for the purpose in writing by the manager of the mine (that person being hereinafter referred to as "the searcher");

(*b*) in the case of a search of any person employed or about to be employed on a shift, the search shall be made in the presence of not less than two other persons so employed or about to be so employed;

(*c*) in making the search the searcher shall observe the proprieties and shall cause to the person being searched no more inconvenience than may be necessary for the purpose of making an efficient search;

(*d*) the searcher shall—

(i) feel for any such article as is mentioned in subsection (1) of the said section 66 of the Act by handling the clothing of the person being searched (including the inside of any pockets), and, if after so doing he has reason to believe or suspect that any such article is in the possession of that person, examine that clothing;

(ii) examine any other article which that person has with him.

2. The Order made by the Secretary of State dated 21st May 1912(**b**) is hereby revoked.

3. This Order may be cited as the Mines (Manner of Search for Smoking Materials) Order (Northern Ireland) 1970.

Sealed with the Official Seal of the Ministry of Commerce for Northern Ireland this 1st day of June 1970.

(L.S.)

J. H. Armstrong,
Assistant Secretary.

EXPLANATORY NOTE

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

This Order specifies the authorised manner of search for smoking materials of persons going below ground in a safety-lamp mine or entering a safety-lamp part of a mine.

(a) 1969. c. 6 (N.I.). (b) S.R. & O. 1912, No. 510.