1970. No. 121 **[C]**

MINES

Notification of Dangerous Occurrences

ORDER, DATED 1ST JUNE 1970, MADE BY THE MINISTRY OF COMMERCE UNDER SECTION 99(1) OF THE MINES ACT (NORTHERN IRELAND) 1969.

WHEREAS the Ministry of Commerce is of opinion that the special classes of occurrences which are hereinafter specified are of so dangerous a nature as to render it expedient that notice should be given under section 98 of the Mines Act (Northern Ireland) 1969(a) in every case thereof:

NOW, THEREFORE, the Ministry in exercise of the powers conferred on it by section 99(1) of the said Act, and of all other powers enabling it in that behalf, hereby makes the following Order:—

Citation

1. This Order may be cited as the Mines (Notification of Dangerous Occurrences) Order (Northern Ireland) 1970.

Interpretation

2. In this Order the following expressions have the meanings hereby respectively assigned to them, that is to say—

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

"auxiliary fan" means a fan used or intended to be used below ground wholly or mainly for ventilating a heading, drift or blind end.

3. The provisions of the said section 98 of the Act are hereby extended to occurrences at a mine of each of the following special classes (whether death or serious bodily injury is thereby caused or not), that is to say occurrences in which—

(*a*) any gas, other than gas in a safety lamp, or dust is ignited below ground;

(*b*) any gas in a part of a firedamp drainage system on the surface or in an exhauster house is ignited accidentally;

(*c*) any fire breaks out below ground;

(*d*) any person, in consequence of any smoke or any other indication that a fire may have broken out below ground, has been caused to leave any place pursuant to paragraph (1) of regulation 13 of the Coal and Other Mines (Fire and Rescue) Regulations (Northern Ireland) 1970(b), or section 79 of the Act;

(*e*) any fire breaks out on the surface endangering the operation of any winding or haulage apparatus installed at a shaft or unwalkable outlet, or any mechanically operated apparatus for producing ventilation below ground in the mine;

(*f*) there is any violent outburst of gas together with coal or other solid matter into the mine workings except when such an outburst is caused intentionally;

(a) 1969. c. 6 (N.I.). (b) S.R. & O. (N.I.) 1970, No. 129.

(*g*) there is any inrush of noxious or inflammable gas from old workings;

(*h*) there is any inrush of water, or material which flows when wet, from any source;

(*i*) any rope, chain, coupling or other gear of a similar kind, by which persons are carried through any shaft, staple pit or unwalkable outlet, breaks;

(*j*) any rope, chain, coupling or other gear of a similar kind, used for the transport of persons below ground, breaks;

(*k*) any cage being used for the carriage of persons is overwound; or any cage not being so used is overwound and becomes detached from its winding rope; or any cage operated by means of the friction of a rope on a winding sheave is brought to rest by the apparatus provided in the headframe of the shaft or in the part of the shaft below the lowest landing for the time being in use, being apparatus provided for bringing the cage to rest in the event of its being overwound;

(*l*) there is any explosion from, or collapse or burst of, any apparatus which is used for generating a pressure of air, gas or steam greater than atmospheric, or for storing air, gas or steam at such a pressure:

Provided that the provisions of this paragraph shall not apply to an explosion from any boiler to which the Boiler Explosions Act, 1882(c) applies;

(*m*) any ventilating apparatus other than an auxiliary fan breaks down causing a substantial reduction in the ventilation of the mine lasting for a period exceeding thirty minutes;

(*n*) any headframe, winding engine house, screen or tippler house, or vehicle gantry collapses;

(*o*) any mechanically powered crane, crab or other lifting machine overturns, or any part thereof (other than the hoisting rope of a stock pile gantry crane) fails and causes the load of the machine to fall or, in the case of such a machine with a jib, the jib to fall;

(*p*) breathing apparatus or a smoke helmet or other apparatus serving the same purpose, while being used, fails to function safely or develops a defect likely to affect its safe working;

(*q*) forthwith after using and arising out of the use of breathing apparatus or a smoke helmet or other apparatus serving the same purpose, any person receives at the mine first-aid or medical treatment by reason of his unfitness or suspected unfitness;

(*r*) any person suffers such an electric shock or burn, by coming into contact with any conductor in a circuit in which the voltage for the time being exceeds twenty-five, that he receives therefor at the mine first-aid or medical treatment;

(*s*) any person suffers such bodily injury, resulting from an explosion or discharge of any blasting material or device as defined in subsection (4) of section 69 of the Act, that he receives therefor at the mine first-aid or medical treatment;

(*t*) there is any movement of material or any fire or any other event indicating that an accumulation or deposit of refuse or a settling pond forming part of the mine is or is likely shortly to become unstable.

(c) 45 & 46 Vict. c. 22.

Application

4.—(1) Article 3 shall not apply to any occurrence (other than such an occurrence as is mentioned in paragraph (*e*) thereof) at any place on the surface of a mine where building operations undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking, are being carried on, being an occurrence arising out of those operations.

(2) In the preceding paragraph the expression "building operation" has the meaning assigned thereto in section 176(1) of the Factories Act (Northern Ireland) 1965(**d**).

(3) Paragraphs (p) and (q) of article 3 shall not apply to any occurrence at a mine other than a mine of coal, stratified ironstone, shale or fireclay.

Revocation

5. The Order dated December 22, 1906(**e**), made by the Secretary of State under the Notice of Accidents Act 1906(**f**), requiring the reporting of certain classes of dangerous occurrences in mines whether personal injury is caused or not, and having effect by virtue of section 165 of the Act is hereby revoked.

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.

(**d**) 1965. c. 20 (N.I.).
(**e**) S.R. & O. 1906, No. 934.
(**f**) 6 Ed. VII. c. 53.

EXPLANATORY NOTE

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

This Order specifies in Article 3 classes of dangerous occurrences at mines of which notice must be given (whether or not death or serious bodily injury is caused) to the Ministry and to the employees' nominee.

By virtue of paragraph (1) of Article 4 an occurrence specified in Article 3 (other than a fire endangering the operation of winding, haulage or ventilating apparatus) which occurs at a place on the surface of a mine where certain building operations are being carried on, and which arises out of the building operations, does not have to be notified under this Order.

By virtue of paragraph (3) of Article 4 certain occurrences in connection with breathing apparatus, a smoke-helmet, or other apparatus serving the same purpose have to be notified when they are at mines of coal, stratified ironstone, shale or fireclay.