1970. No. 135 **[C]**

COAL AND OTHER MINES

Surveyors and Plans

REGULATIONS, DATED 1ST JUNE 1970, MADE BY THE MINISTRY OF COMMERCE UNDER SECTIONS 11(1), 17(1) AND (4), 20(1), 21 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) (hereinafter referred to as "the Act") the Ministry of Commerce (hereinafter referred to as "the Ministry") 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 11(1), 17(1) and (4), 20(1), 21 and 120 of the Mines Act (Northern Ireland) 1969 and of all other powers enabling it in that behalf, hereby makes the following regulations:—

PART I

GENERAL

Citation

1. These regulations may be cited as the Coal and Other Mines (Surveyors and Plans) Regulations (Northern Ireland) 1970.

Application

2. These regulations shall apply to every mine of coal, stratified ironstone, shale or fireclay, and in these regulations "mine" means such a mine.

PART II

QUALIFICATIONS AND DUTIES OF SURVEYORS

3.—(1) No person shall be qualified to be appointed or to be the surveyor for a mine unless—

(*a*) he is the holder of a surveyor's certificate granted by the Ministry on the recommendation of the Mining Qualifications Board constituted under section 148 of the Mines and Quarries Act 1954(b) or granted by the Ministry without reference to the said Board where the Ministry is satisfied that he is the holder of such a certificate granted under the said Act or regulations made thereunder or any enactment or regulations made thereunder repealed by that Act; or

(*b*) he is holding such office at the time of coming into operation of these regulations.

(a) 1969. c. 6 (N.I.). (b) 2 & 3 Eliz. 2. c. 70.

(2) No person referred to in sub-paragraph (*a*) of the preceding paragraph shall be qualified to be appointed or to be the surveyor for a mine, other than a mine at which not more than thirty persons are employed below ground or a mine of fireclay unless (in addition to holding such a certificate) 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 such a certificate.

4.—(1) It shall be the duty of the surveyor for a mine to prepare or supervise the preparation of all plans, drawings and sections of the mine which are required by Part III of these regulations to be kept.

(2) It shall be the duty of the surveyor for a mine to establish the accuracy as regards any matters which may involve substantial error or danger of any such plans, drawings and sections of the mine which have not been prepared by him or to ensure that such accuracy is established by a person who is qualified to be appointed the surveyor for that mine.

5.—(1) It shall be the duty of the surveyor for a mine to ensure that working papers recording all observations or calculations which were necessarily made for the preparation or checking of any plans, drawings or sections kept by the manager by virtue of Part III of these regulations are signed by the person making them and are preserved.

(2) Where any such papers are not kept at the office at the mine or a place approved by the Ministry, it shall be the duty of the surveyor for the mine to make such arrangements as will ensure that upon his ceasing to be the surveyor or upon the abandonment of the mine all such papers are transferred to the owner of the mine or to a person nominated by the owner.

PART III

WORKING PLANS

6. It shall be the duty of the manager of every mine to keep at the office at the mine or at such other place as may be approved by the Ministry plans and sections in accordance with the following provisions of this Part of these regulations.

7.—(1) In the case of any mine, plans and sections of the workings of which are made after the commencement of these regulations, and in the case of every mine after the 31st day of May 1975, there shall be kept as aforesaid—

(*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 shafts, outlets, 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 three hundred feet from their actual positions at any time; and

(*b*) in respect of every mine, other than a mine 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 within the boundaries of the mine; or

(*c*) in respect of every mine of stratified ironstone, a section of the strata sunk or driven through or, if that is impracticable, a section of every seam being worked in the mine and in every case any additional section of any seam that may be necessary to show any substantial variation in the thickness or character thereof.

(2) The Ministry may on account of special circumstances existing at any time by notice served on the manager thereof exempt it from the requirement that a separate plan be kept for each seam for as long as the workings in each seam are shown on a plan and are clearly distinguished by the use of different colours or otherwise.

8. In the case in which and for the period during which the provisions of the last preceding regulation do not apply, there shall be kept as aforesaid—

(*a*) a plan showing at any time clearly and accurately the workings in the mine up to a date not more than three months past; and

(*b*) a section of the strata sunk or driven through or, if that is impracticable, a section of every seam being worked in the mine.

9.—(1) Plans kept in pursuance of either of the two last preceding regulations shall show as clearly and accurately as is practicable the position of—

(*a*) any workings of the mine which are disused or abandoned; and

(*b*) any workings of any other mine (whether abandoned or not);

being workings within the boundaries of the mine or within three hundred and seventy-five feet outside any boundary (measured from any point on the boundary in a straight line on any plane) and being workings which are or are likely at any stage to be at a depth differing from the depth of workings to which the plans relate by not more than one hundred and twenty feet or which are likely at any time to contain an accumulation of water dangerous to persons working in the mine.

(2) The position of any such workings which are not disused or abandoned shall be shown up to a date not more than three months past.

10.—(1) In addition to the plans and sections required by regulation 7 or 8 there shall be kept as aforesaid at every mine a plan showing the system of ventilation in the mine and in particular the general direction of the flow of the ventilation, the points at which the quantity of air passing is measured and the principal devices for regulating the flow of the ventilation.

(2) On any such plan every airway which as regards any working face is an intake airway and which is not as regards any working face a return airway shall be coloured blue, and every airway which as regards any working face is a return airway and which is not as regards any working face an intake airway shall be coloured red.

(3) If an inspector is satisfied as regards any mine that the information required by paragraph (1) of this regulation cannot be shown fully and clearly on a plan, the Ministry may by notice served on the manager of the mine authorise the keeping in substitution therefor of such a drawing as will show the information fully and clearly.

PART IV

GEOLOGICAL MAP AND SKETCH OF THE MINE

11. The manager of every mine shall keep at the office at the mine or at such other place as may be approved by the Ministry a geological map of the district in which the mine is situate, being a map 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.

12. The manager of every mine shall provide in the covered accommodation provided in pursuance of section 114 of the Act a sketch of the mine showing the main roads and means of egress from each part of the mine to the surface and the telephone stations below ground.

PART V

ABANDONMENT PLANS

13.—(1) In the event of the abandonment of a mine or seam in a mine or of the expiration of the period of twelve months from the time at which the mine or a seam in a mine was last worked for the purpose of getting minerals or products of minerals, the person who is the owner of the mine at the time of the happening of that event shall within three months thereafter send to the Ministry the plans, drawings and sections of those workings required to be kept by virtue of regulation 7 or 8 (where such plans, drawings and sections are no longer required by regulation 6 to be kept at the mine or a place approved by the Ministry) or an accurate copy thereof or of so much thereof as is shown by virtue of those workings, being a copy prepared by or made under the supervision of the surveyor for that mine or the person who was the surveyor when the mine was last worked or if such a person is not available a person who is qualified to be appointed surveyor for that mine.

(2) In a case in which the provisions of the last preceding paragraph apply to any mine by virtue only of the expiration of the period of twelve months from the time at which the mine or the seam therein was last worked for the purpose of getting minerals or products of minerals, the Ministry may, if an inspector is of opinion that compliance with the requirements of that paragraph is unnecesary having regard to the circumstances and to the plans, drawings and sections thereof kept at the office at the mine or at such other place as is approved by the Ministry, by notice served on the owner of the mine exempt him from the obligation imposed by that paragraph by virtue of the happening of that event.

(3) In the event of the abandonment of a mine the person who is the owner of the mine at the time of the abandonment shall send to the Ministry with the plans, drawings and sections referred to in paragraph (1) of this regulation all working papers relating to those plans, drawings and sections required to be preserved by regulation 5 or accurate copies thereof.

14. The owner of a mine to whom the provisions of paragraph (1) of the last preceding regulation apply shall ensure that every plan sent to the Ministry in pursuance of that paragraph is endorsed with a certificate that no further work has been carried out at the mine which would affect the accuracy of the plan being a certificate given by—

(*a*) the manager of the mine or the person who was the manager when the mine was last worked; or

(*b*) a person appointed by the owner for the purpose of securing the fulfilment in relation to that mine of statutory responsibilities of the owner being a person who can so certify from his own knowledge.

15.—(1) The owner of a mine to whom the provisions of paragraph (1) of regulation 13 apply shall ensure that there is endorsed on or attached to every plan sent to the Ministry in pursuance of that paragraph a report of the surveyor for that mine or the person who was the surveyor when the mine was last worked or, if such a person is not available, a person who is qualified to be appointed surveyor for that mine or a person who is or was employed at that mine and is the holder of a certificate specified in sub-paragraph (*a*) of paragraph (1) of regulation 3.

(2) Such report shall indicate the extent to which the person making it can certify the accuracy and completeness of the plan as at the date when the mine or the seam in question was last worked, the steps taken by him to ensure such accuracy and completeness and the reason for any qualification made by him and may include any information which he considers desirable for the promotion of safety.

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 prescribe the qualifications and duties of surveyors for mines of coal, stratified ironstone, shale and fireclay and deal with the making and keeping of working plans of such mines, the provision, at every such mine, of a geological map of the district and a sketch of the mine and the transmission to the Ministry of plans of abandoned or disused mines and seams and connected working papers relating thereto.