

COAL MINES REGULATION (AMENDMENT) ACT.

Act No. 19, 1926.

An Act to establish a Court of Coal Mines Regulation; to make provision for bath and change-houses at mines and coke-works; to amend in this and certain other regards the Coal Mines Regulation Act, 1912, and certain other Acts; and for purposes connected therewith. [Assented to, 23rd November, 1926.]

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No. 19.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the “Coal Mines Regulation (Amendment) Act, 1926.”

Short title
and com-
mencement

(2) This Act shall be read and construed with the Coal Mines Regulation Act, 1912, as amended by subsequent Acts, which said Act as so amended is in this Act referred to as the Principal Act.

(3) This Act shall come into operation on the first day of January, one thousand nine hundred and twenty-seven.

2. (1) The Principal Act is amended by inserting in section three next after the definition of “shaft” the following new definition:—

Amendment
of Act No. 37,
1912, s. 3.

“Small mine” means a mine in which the total number of persons employed below ground does not exceed twenty.

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Amendment
of Act No. 37,
1912, s. 4.

- (2) The Principal Act is further amended—
(a) (i) by inserting in subsection two of section four after the word “repealed” at the end thereof the words “or the Imperial Act one and two George the Fifth, chapter fifty;
(ii) by omitting subsection four of the same section and by inserting the following subsection in lieu thereof:—

(4) In the case of a small mine a person shall not be qualified to be the manager unless he is for the time being registered as the holder of at least a third-class certificate under this Act, and of a permit to be manager from the chief inspector; such permit shall remain in force for twelve months and may be renewed from year to year at the discretion of the chief inspector.

This subsection shall not apply to any person who on the thirty-first day of December, one thousand nine hundred and twenty-six, and not being the holder of at least a third-class certificate as aforesaid, was acting as manager of a small mine by virtue of a permit granted by an inspector.

New
subsection.

- (iii) by adding the following subsection next after subsection four:—

Owner or agent
taking part in
technical
management
of mine.
1 & 2 Geo. V,
c. 50, s. 2 (4).

(5) The owner or agent of a mine required to be under the control of a manager shall not take part in the technical management of the mine unless he is qualified to be a manager under this Act.

No. 37, 1912,
s. 5.

- (3) The Principal Act is further amended by omitting subsection two of section five and by inserting the following subsection in lieu thereof:—

(2) Every under-manager so nominated must hold either a first-class or second-class certificate of competency or of service under this Act, or under the Imperial Act fifty and fifty-one Victoria, chapter fifty-eight, or any Act thereby repealed, or the Imperial Act one and two George the Fifth, chapter fifty, and shall, in the absence of the manager, have the same responsibility and be subject to the same liabilities as the manager under this Act; but the nomination

nomination of an under-manager shall not affect **George V,**
the personal responsibility of the manager under **No. 19.**
this Act.

3. (1) The Principal Act is further amended by Further amendment of Act No. 37, 1912.
omitting section 5A and by inserting the following Sec. 5A.
section in lieu thereof:—

5A. (1) In every mine required by this Act to Deputies and shot-firers.
be under the control of a certificated manager, a
competent person shall be appointed as deputy,
who shall make the inspections and carry out the
duties necessary for examining for the presence of
gas, ascertaining the sufficiency of ventilation, state
of roof and sides, which duties shall be designated
his statutory duties, supervising the general duties
of shot-firers, and all other matters relative to the
general safety of the mine.

(2) After the thirty-first day of December,
one thousand nine hundred and twenty-six, no
person shall be appointed or act as a deputy or a
shot-firer, unless he—

- (a) is not less than twenty-three years of age;
- (b) has had at least five years' practical experience in a mine;
- (c) is a holder of a certificate of service or competency as manager, under-manager, or deputy;
- (d) has obtained from a duly qualified medical practitioner a certificate in the form prescribed by the Minister that his eyesight is such as to enable him to make accurate tests for inflammable gas, and that his hearing is such as to enable him to carry out his duties efficiently; and
- (e) shall, during the term of his appointment, 1 & 2 Geo. V, c. 50, s. 15 (1) (c).
obtain at intervals of not more than three
years, a similar certificate to that prescribed
in clause (d), the expense of obtaining which
shall, in the case of a person employed at
the time as deputy or shot-firer, be borne by
the owner of the mine.

(3) The certificate as to eyesight and hearing *ibid.* s. 15
of a deputy or shot-firer employed in a mine shall, (2).
whilst he is so employed, be kept at the office

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of

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of the mine and whenever a requisition in that behalf is made by an inspector or a check inspector be produced for his inspection.

(4) A contractor for getting mineral in any mine, other than a miner working at the face, or person employed by such a contractor, shall not be eligible for the post of deputy or shot-firer of that mine under this Act.

Repeal of Act
No. 11, 1913,
s. 4.

(2) Section four of the Coal Mines Regulation (Amending) Act, 1913, is hereby repealed.

Amendment
of Act No. 37,
1912, s. 8 (1).

4. (1) The Principal Act is further amended—

- (a) (i) by omitting from subsection one of section eight the words “July, one thousand nine hundred and thirteen,” and by inserting in lieu thereof the words “January, one thousand nine hundred and twenty-seven”;
- (ii) by omitting from the same subsection the words “as fireman or”;
- (iii) by omitting subsection seven of the same section;

Sec. 8 (7)]

(b) by inserting the following section:—

New s. 8A.
Certificates of
competency
or of service.

8A. A certificate of competency or of service granted under the Imperial Act fifty and fifty-one Victoria, chapter fifty-eight, or under any Act repealed thereby, or the Imperial Act one and two George the Fifth, chapter fifty, or any other certificate of competency or service recommended by the examiners, and approved by the board for appointing examiners shall be equivalent in all respects to a similar certificate granted under this Act.

Sec. 14.

(c) by omitting section fourteen and by inserting in lieu thereof the following new section:—

Register of
certificates.

14. A register shall be kept by such person and in such manner as the Minister directs of the holders of all certificates of competency and of service granted under this Act, and of all certificates approved under this Act, or having by the provisions of this Act the same effect as any certificate granted under this Act.

Repeal of Act
No. 11, 1913,
s. 6 (2) (3).

(2) Subsections two and three of section six of the Coal Mines Regulation (Amending) Act, 1913, are hereby repealed.

5. (1) The Principal Act is further amended—

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- (a) by inserting in section three next before the definition of "Inspector" the following new definition:—

Further
an amendment of
Act No. 27, 1912.
Sec. 3.
(Court.)

"Court" means the Court of Coal Mines Regulation established under this Act;

- (b) by omitting section fifteen and by inserting in lieu thereof the following section:—

15. (1) If at any time representation is made to the Minister by an inspector or otherwise that any manager, under-manager, or deputy holding a certificate under this Act or under any Imperial Act, or a winding-engine driver certificated under this Act, is by reason of incompetency or gross negligence unfit to discharge his duties, or has been convicted of an offence against this Act, the Minister may cause inquiry to be made into the conduct of the manager, under-manager, deputy, or winding-engine driver, and with respect to every such inquiry the following provisions shall have effect—

Inquiry into
competency
of certain
officials and
cancellation
of certificates.

- (a) the inquiry shall be public, and shall be held by the court at such place as the Minister may appoint;
- (b) the Minister shall, before the commencement of the inquiry, furnish to the manager, under-manager, deputy, or winding-engine driver a statement of the case on which the inquiry is instituted;
- (c) some person appointed by the Minister shall undertake the management of the case;
- (d) the manager, under-manager, deputy, or winding-engine driver may attend the inquiry by himself, his counsel, solicitor, or agent, and may, if he thinks fit, be sworn and examined as an ordinary witness in the case;

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- (e) the court shall, on the conclusion of the inquiry, send to the Minister a report containing a full statement of the case, and the opinion of the court thereon, and such report of or extracts from the evidence as the court thinks fit ;
- (f) the court may cancel or suspend the certificate of the manager, under-manager, deputy, or winding-engine driver if it finds that he is by reason of incompetency or gross negligence, or of his having been convicted of any offence against this Act, unfit to discharge his duty ;
- (g) the court may require a manager, under-manager, deputy, or winding-engine driver to deliver up his certificate, and if any manager, under-manager, deputy, or winding-engine driver fails without sufficient cause to the satisfaction of the court to comply with such requisition he shall be liable to a fine not exceeding one hundred pounds.

The court shall hold a certificate so delivered until the conclusion of the investigation, and shall then either restore, cancel, or suspend the certificate according to its judgment on the case ;

- (h) persons attending as witnesses before the court shall be allowed such expenses as would be allowed to a witness attending on subpoena before the Supreme Court in its common law jurisdiction ; and in case of dispute as to the amount to be allowed, the same shall be referred by the court to the Prothonotary, who, on request signed by the court, shall ascertain and certify the proper amount of such expenses.

(Owner or
agent.)

4 & 5 Geo. V,
c 22 s. 1

(2) This section shall extend to the case of an owner or agent of a mine taking part in the technical management thereof who is alleged by reason of incompetency or gross negligence

negligence or misconduct in such management **George V,**
to be unfit to continue to hold a certificate of **No. 19.**
competency or of service.

(c) by omitting from subsection one of section Sec. 17.
seventeen the words "a manager, under-
manager, or winding-engine driver," and by
inserting the words "any person" in lieu
thereof.

(d) (i) by inserting in paragraph one of section Sec. 20.
twenty after the word "thereby" the
words "or the Imperial Act one and two
George the Fifth, chapter fifty" ;

(ii) by inserting in paragraph three of the same
section, after the word "under-manager"
the words "deputy, mine electrician" ;

(2) Section eight of the **Coal Mines Regulation** Repeal of Act
No. 11, 1913, s. 8.
(Amending) Act, 1913, is hereby repealed.

6. The Principal Act is further amended ~~as~~

(a) by omitting section twenty-eight ~~and~~ by insert-
ing in lieu thereof the following section :—

Further
amendment of
Act No. 37, 1912.
New sec. 28.

28. (1) If in any respect an inspector finds Notice by
inspector of
causes of
danger.
any mine or part thereof, or any matter, thing,
or practice in or connected with any such mine,
or with the control, management, or direction
thereof by the manager, to be dangerous or
defective so as in the opinion of the inspector
to threaten or tend to the bodily injury of any
person, the inspector may give notice in writing
thereof to the owner, agent, or manager of the
mine.

The inspector shall state in the notice the
particulars in which he considers the mine
or any part thereof, or any matter, thing, or
practice to be dangerous or defective, and
require the same to be remedied, or if the same
cannot be remedied, require the men to be
withdrawn from the mine or part; and, unless
the same be forthwith remedied or the men
withdrawn he shall report the same to the
chief inspector.

(2)

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(2) If the owner, agent, or manager of the mine objects to remedy the matter complained of in the notice, he may within five days after the receipt of the notice send his objection in writing, stating the grounds thereof, to the chief inspector, who may withdraw the notice or refer the matter to the court to be determined.

(3) If the owner, agent, or manager fails, when no objection is sent as aforesaid, to comply with the requisition of the notice within five days after the expiration of the time for objection, or when the matter has been determined by the court, to comply with the order of the court within the time therein specified in the order, he shall be guilty of an offence against this Act.

(4) No person shall be precluded by any agreement from doing, or be liable under any contract to any penalty or forfeiture for doing, such acts as may be necessary in order to comply with the provisions of this section.

(5) This section shall have effect notwithstanding that any matter in respect of which notice is given is dealt with by any express provision of this Act or of any special rule.

(6) Where action is taken by an inspector under this section no proceedings shall be instituted against the same party upon the same facts, under any other provision of this Act or under any special rule.

(7) Where proceedings have been instituted for a breach of any other provision of this Act or of any special rule an inspector shall not give notice under this section to the same party in respect of the same facts.

(8) No notice shall be given under this section except upon the written authority of the chief inspector.

(b)

- (b) by inserting at the end of section thirty the words "and may allow the owner, agent, or manager of the mine or the check inspector or any employee of the mine to inspect the report when made." George V,
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Sec. 30.
- (c) (i) by omitting paragraph one of section thirty- one and by inserting in lieu thereof the following new paragraph:— Sec. 31.
- (1) The Minister may require the court to hold the investigation.
- (ii) by omitting from paragraph two of the same section the words "The person or persons so appointed (hereinafter called the court)" and by inserting in lieu thereof the words "The court";
- (iii) by omitting from paragraph three of the same section the words "All the powers of a court of petty sessions when acting as a court in hearing informations for offences against this Act, and"

7. The Principal Act is further amended by omitting section thirty-three and the short heading preceding that section and by inserting in lieu thereof the following short heading and section:— Amendment
of Act No. 37,
1912.
New sec. 33.

DIVISION 4.—Court of Coal Mines Regulation.

33. (1) There is hereby conferred upon such courts as may be proclaimed by the Governor for the purpose, jurisdiction to hear and determine inquiries, appeals and references under this Act. Court of
Coal Mines
Regulation.

A court exercising such jurisdiction shall be a court of record, and be called a Court of Coal Mines Regulation.

(2) The Governor may appoint any district court judge, stipendiary magistrate, police magistrate, or warden appointed under the Mining Act, 1906, to sit as a Court of Coal Mines Regulation.

The court shall be assisted by assessors appointed under this Act.

Such

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Such assessors shall have the power to advise not to adjudicate on any matter before the court, and the court shall have the right to consult such assessors collectively or individually in public or in private.

(3) All officers of the district courts or courts of petty sessions shall act as officers of the Courts of Coal Mines Regulation.

(4) The judges of the district courts or any three of them may make rules to regulate the procedure and practice of the Courts of Coal Mines Regulation, and such rules shall have the same force and effect as if they had formed a part of this Act, notwithstanding that they may conflict with the provisions of the District Courts Act, 1912, or any Act amending the same.

Rules as so made shall be published in the Gazette and shall take effect from the date of publication.

Until rules are made and published or so far as any such rules do not extend the court may in any particular case give such directions as to it may seem fit.

(5) The court for the purposes of the exercise of its jurisdiction shall so far as relates to the summoning of parties, compelling the attendance of witnesses or the production of documents, have all the powers of the Supreme Court.

(6) The decision of the court shall be delivered in open court.

(7) In any proceeding before the court any person affected or liable to be affected by the proceedings may appear and be heard.

The Minister, the chief or any inspector and any industrial organisation or association representative of the employers or employees in any mine shall also have the right to appear and be heard and make application to the court in any matter as provided in this Act.

(8) The rules of court shall provide for the appointment as assessors of persons having practical experience in coal-mining, and for the number to be appointed in any proceeding from persons
nominated

nominated by those interested in such proceeding, and for the fees to be paid to such assessors out of funds provided by Parliament. George V,
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(9) In all proceedings under section fifteen and section thirty-one of the Principal Act the person appointed to sit as a court shall be a district court judge.

(10) The costs of any proceedings shall be in the discretion of the court.

(11) The orders and determinations of the court shall be final and conclusive and shall not be liable to appeal or review by any other court.

8. The Principal Act is further amended—

Further
amendment of
Act No. 37, 1912.

- (a) (i) by inserting in subsection two of section thirty-six after the words “so employed” the words “and the check inspector”; Sec. 36.
- (ii) by inserting in the same subsection after the words “such representative” the words “and the check inspector”;
- (b) (i) by omitting from section 36A the word “or” where that word fourthly occurs; Sec. 36A.
- (ii) by inserting after the word “lamp” the words—

“or any discovery of inflammable gas which is the subject of a report under subsection five of general rule eight of section fifty-four of this Act.”
- (c) by omitting from paragraph (d) of section thirty-seven the words “or manager” and by inserting in lieu thereof the words “manager, under-manager, or mine electrician”; Sec. 37A.
- (d) (i) by omitting from sections forty-five, forty-seven, fifty-four, and 56A the word “tubs” wherever occurring, and by inserting in lieu thereof the word “skips”; Secs. 45, 47, 54, 56A.
- (ii) by omitting from section fifty-four the word “tub” wherever occurring, and by inserting in lieu thereof the word “skip.” Sec. 54.

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Further
amendment of
Act No. 37, 1912.

Sec. 3.

Main haulage
road.)

(Naked light
mine.)

(Safety-lamp
mine.)

9. (1) The Principal Act is further amended—

(a) by inserting in section three next after the definition of “Inspector” the following new definition :—

“Main haulage road” means a road which has been or for the time being is in use for removing skips by steam or other mechanical power ;

(b) by inserting next after the definition of “mine” the following new definition :—

“Naked light mine” means any mine or any section or place in a mine in which naked lights may be allowed or used in pursuance of the provisions of this Act, but does not include any section or part of the said mine in which as provided in this Act no lamp or light other than a locked safety-lamp shall be allowed or used.

(c) by inserting next after the definition of “plan” the following new definitions :—

“Prescribed” means prescribed by this Act or any rule, rule of court or regulation made thereunder ;

“Safety-lamp mine” means any mine or any section or place in a mine in which, as provided in this Act no lamp or light other than a locked safety-lamp may be allowed or used, but does not include any section or part of the said mine in which a naked light may be allowed or used in pursuance of the provisions of this Act ;

(d) by omitting the definition of “The Minister” ;

(e) by inserting next after the definition of “shaft” the following new definition :—

“Ventilating district” means such part of a seam as has an independent intake commencing from a main intake air course and an independent return air-way terminating at a main return air course.

Where

Where a seam of a mine is not divided into separate ventilating districts the provisions in this Act relating to ventilating districts shall be read as though the word "seam" were substituted for the words "ventilating district."

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- (f) by omitting from subsection two of section fifty-three all words after the words "determined by" and by inserting in lieu thereof the words "the court."

- (2) The Principal Act is further amended—

Further
amendment of
Act No. 37, 1912.
Sec. 54.

- (a) by omitting General Rule one of section fifty-four and by inserting in lieu thereof the following general rule:—

Rule 1. (a) In every mine which is in operation, unless a certificate of exemption from compliance with this rule has been granted by the Minister, whether any person employed therein shall be below ground or not, an amount of ventilation by air drawn from a pure source, by means of a furnace or mechanical contrivance, shall be continuously produced (except where the furnace or mechanism supplying the producing-power is wholly or partially suspended for necessary repair or alteration) adequate to dilute and render harmless inflammable and noxious gases to such an extent that the working-places of the shafts, levels, stables, and workings of the mine and the travelling road to and from those working-places shall be in a fit state for working and passing therein and in particular that the intake air-ways up to one hundred yards of the first working-place at the working face which the air enters shall be normally kept free from inflammable gas:

New Rule 1
Ventilation.

Provided

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Provided that when any mine has ceased to be worked the Minister shall grant such certificate of exemption if on the report of the chief inspector the Minister is satisfied that the granting of such exemption will not endanger human life, but in such case the ventilation shall be kept in operation for at least twenty-four hours before the miners or other workmen are allowed to re-enter the mine :

Provided also where a stoppage of work is caused by a strike and the manager is unable to procure the labour necessary to comply with this rule, a stoppage of the ventilation shall not be an offence under this rule.

(b) When any person or horse employed or used in the mine is below ground for any lawful purpose, the ventilation so to be produced shall be the supply of pure air in quantities not less than one hundred and fifty cubic feet per minute for each person and three hundred cubic feet per minute for each horse so below ground as aforesaid, which air in that proportion, but with as much more as the inspector shall direct, shall sweep along the air-ways and be forced as far as the face of and into each and every working-place where any person or horse is engaged or passing, main return air-ways only excepted.

(c) The provisions contained in part (b) of this rule as to a minimum supply shall in no way operate to reduce the obligations imposed by part (a) thereof.

(d) Every mine, except such as is worked on the long-wall system, shall be divided into districts or splits of not more than seventy men in each except
by

by permission of the inspector, and each district shall be supplied with a separate current of fresh air. George V,
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The intake air shall travel free from all stagnant water, stables, and old workings.

If an application by the manager to be allowed to increase the number of men on a split is refused by the inspector, or is not granted in a reasonable time, the manager may appeal to the court.

In the case of mines required by this Act to be under the control of a certificated manager, the quantity of air in the respective splits or currents shall, at least once in every month, be measured in the main intake air-ways as near as practicable to the downcast shaft or tunnel mouth, and in every split as near as practicable to a point within one hundred yards outby of the first working-place at the working face which the air enters, and the measurement shall be forthwith entered in a book to be kept for the purpose at the mine.

(e) For the purpose of this rule, a place shall not be deemed to be in a fit state for working or passing therein if the air contains either less than nineteen per centum of oxygen or more than one and a quarter per centum of carbon dioxide, and an intake air-way shall not be deemed to be normally kept free from inflammable gas if the average percentage of inflammable gas found in not less than two samples of air or more than six samples of air taken by an inspector in the air current in that air-way at intervals of not less than a fortnight, exceeds one quarter :

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Provided that the second sample shall not be taken within a period of less than one fortnight after the result of the first sample is communicated to the owner, agent, or manager of the mine.

The Minister may for such reasons as appear to him to be sufficient exempt any mine from this paragraph.

Further
amendment of
Act No. 37, 1912
s. 51.

(Ventilation
by fire.)

1 & 2 Geo. V,
c. 50, s. 31 (4)

- (b) by inserting at the end of general rule two of section fifty-four the following paragraph:—

“No fire shall be used below ground for ventilation in any mine or seam newly opened after the thirty-first day of December, one thousand nine hundred and twenty-six, except in the case of a small mine, in which the upcast shaft contains no inflammable material.”

- (c) by omitting general rule four of section fifty-four and by inserting the following general rule in lieu thereof:—

Rule 4. A station or stations shall be appointed at the entrance to the mine, or to different parts of the mine, as the case may require, and the following provisions shall have effect:—

- (a) As to inspection before commencing work:—

A competent person or competent persons appointed by the owner, agent, or manager for the purpose, not being a contractor for getting minerals in the mine, shall, within such time immediately before the commencement of each shift as shall be fixed by special rules made under this Act, inspect every part of the mine situate beyond the station or each of the stations, and in which workmen are to work or pass during that shift, and shall ascertain the condition thereof so far as the presence of gas, ventilation, roof, and sides, and general safety are concerned.

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Rule 4.
Stations and
inspections of
conditions as
to ventila-
tion, &c.

No workman shall pass beyond any such station until the part of the mine beyond that station has been so examined and stated by such competent person to be safe.

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The inspection shall be made with a locked safety-lamp.

The deputy shall make a note of the examination on a board, or otherwise, at the appointed station before any workman passes beyond.

A report specifying where noxious or inflammable gas, if any, was found present, the condition of the ventilation, and what defects, if any, in roofs or sides, and what, if any, other source of danger were or was observed, shall be recorded without delay in a book to be kept at the mine for the purpose, and accessible to the workmen, and such report shall be signed by, and, so far as the same does not consist of printed matter, shall be in the handwriting of the person who made the inspection.

For the purpose of the foregoing provisions of this rule, two or more shifts succeeding one another without any interval are to be deemed to be one shift.

(b) As to inspection during shifts:—

A similar inspection shall be made in the course of each shift of all parts of the mine in which workmen are to work or pass during that shift, but it shall not be necessary, unless inflammable gas has been found during the said inspection, to record a report of the same in a book:

Provided that in the case of a mine worked continuously throughout the twenty-four

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twenty-four hours by a succession of shifts, the report of one of such inspections shall be recorded in manner above required.

(c) As to inspection after shift:—

A competent person or persons appointed by the owner, agent, or manager for the purpose, not being a contractor for getting minerals in the mine, shall immediately after each shift and the workmen have withdrawn, inspect with a locked safety-lamp every part of a naked light mine in which workmen worked or passed during the said shift, and shall ascertain the condition of the mine in respect of danger from fire and report the same and forthwith enter the said report in a book to be kept at the mine for the purpose.

New general
rule 5A.
Internal
combustion
engines
underground.
1 & 2 Geo. V,
c. 50, s. 58.

(d) by inserting in the same section next after general rule five the following general rule:—

Rule 5A. Except by permission of the chief inspector, no internal combustion engine shall be allowed to work underground in any mine three months after the passing of this Act.

(e) by inserting at the end of general rule seven of the same section the following paragraph:—

For the purpose of this rule a place shall be deemed to be dangerous if the percentage of inflammable gas in the general body of the air in that place is found in a safety-lamp mine to be two and a half or upwards or, in a naked light mine, one and a quarter or upwards.

(Rule 7.)
cf. 1 & 2
Geo. V, c. 50,
s. 67 (2).

cf. S.R.O.
No. 748, 1913
(7).

If any person shall cause, or become aware of any obstruction in or interference with the ventilation or of any stagnation or impurity in the air, of any part of the mine, or of any dangerous defect in any part of the roof or sides, or of any other source of danger, he shall,

shall, if it falls within the scope of his duties to remedy such obstruction, interference, stagnation, impurity, defect, or other source of danger, immediately proceed to take the steps necessary for the purpose, and if not he shall immediately inform the manager, under-manager, examiner, or deputy, or other official, and shall, if he is working at the place where the danger exists, cease all work at that place.

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- (f) by omitting general rule eight of the same (Rule 8.) section and by inserting the following general rule in lieu thereof:—

Rule 8. (1) No lamp or light other than a locked safety-lamp shall be allowed or used—

Use of safety-lamps.
1 & 2 Geo. V,
c. 50, s. 32.

- (a) in any mine within the boundaries of the counties of Camden and Cumberland;
- (b) in any ventilating district of a mine where the air current in the return air-way from such ventilating district is found normally to contain more than one-half per centum of inflammable gas;
- (c) in any mine (except in the main intake air-ways within two hundred yards from the shaft) in which an ignition or explosion of inflammable gas causing any personal injury whatever has occurred within the previous twelve months, unless an exemption for the said mine or any district thereof is given by the chief inspector on the ground that, on account of the special character of the mine or district, the use of safety-lamps is not required;
- (d) in any place in a mine in which there is likely to be any such quantity of inflammable gas as to render the use of naked lights dangerous;

(e)

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- (e) in any working near to, or approaching a place in which there is likely to be an accumulation of inflammable gas ; or
- (f) in any place where the use of safety-lamps is required by the special rules of the mine :

Provided that—

- (i) electric lamps of the vacuum or enclosed type may be used on main haulage roads or elsewhere within such limits and upon such conditions as may be fixed by the special rules for the installation and use of electricity of the mine ;
- (ii) for the purpose of sub-paragraph (b) of this rule an explosion or ignition occurring before the first day of January, one thousand nine hundred and twenty-seven, shall not be taken into account.

(2) Where, in pursuance of this Act or the special rules of the mine, the use of safety-lamps has been introduced in any part of a ventilating district, it shall not be lawful to use naked lights in any other part of the same ventilating district situated between the place where such lamps are used and the return airway, except when the use of safety-lamps in that part of the district was introduced as a temporary precaution, and the conditions are not such as to render necessary the introduction of the use of safety-lamps throughout the district.

(3) Where, in pursuance of this Act or the special rules of the mine, the use of safety-lamps has been introduced otherwise than as a temporary precaution against apprehended danger in any part of a mine, no lamp or light, other

other than a locked safety-lamp, shall subsequently be allowed or used in that part without the sanction of an inspector, which sanction shall not be withheld unreasonably, and any question as to whether such sanction has been unreasonably withheld shall be determined by the court on appeal as prescribed.

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(4) The average percentage of inflammable gas found in not less than two samples of air or more than six samples of air, taken by an inspector in the air current in the return air-way in the ventilating district at intervals of not less than a fortnight shall, for the purposes of this rule, be deemed to be the percentage normally contained in the air :

Provided that the second sample shall not be taken within a period of less than one fortnight after the result of the first sample is communicated to the owner, agent, or manager of the mine.

(5) If on any examination or inspection with a locked safety-lamp in any naked light mine the deputy or other person making the examination or inspection discovers inflammable gas in quantities of two per centum or more to be present in the general body of the air in any place such circumstance shall be reported forthwith to the inspector of the district in which the mine is situated in pursuance of section 36A of this Act, and thereupon such inspector may, after his examination of the place, require safety-lamps to be used in the said place, and such other places as are on the return side of the said place in that ventilating district, and the manager shall forthwith cause safety-lamps

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safety-lamps to be used accordingly, unless he appeals in manner prescribed against the said requisition of the inspector to the court.

(Rule 9.)

- (g) by inserting in general rule nine of section fifty-four after the word “shall” the words “be of a type approved by the chief inspector, and”

(New general
rule 9A.)

- (h) by inserting in section fifty-four next after general rule nine, the following general rule:—

Spare safety-
lamps.

Rule 9A. The chief inspector may inquire whether the number of spare electric and of spare oil safety-lamps kept at any mine is sufficient, and if in his opinion the said number is not so sufficient, he may make a requisition for such increase in the said number as he may deem proper under section twenty-eight of this Act.

(Rule 10.)

- (i) by inserting next after paragraph (d) of general rule ten of section fifty-four the following paragraphs:—

(Examination
of safety-
lamps.)

- (e) A competent person appointed in writing by the manager for the purpose shall also examine every lamp on its being returned, and, if on such an examination any lamp is found to be damaged, he shall record the nature of the damage in a book to be kept at the mine for the purpose, and the damage shall be deemed to have been due to the neglect or default of the person to whom the lamp was given out unless he proves that the damage was due to no fault of his own, and that he immediately gave notice of the damage to the deputy, shot-firer, or some other official of the mine appointed in writing by the manager for the purpose.

- (f) In any naked light mine the deputy shall examine every safety-lamp required to be used therein immediately before
it

it is admitted into the workings for use, and ascertain if it is in safe working order and securely locked, and such lamps shall not be used until they have been so examined and found in safe working order and securely locked.

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- (j) by omitting general rule twelve of section fifty-four, and by inserting in lieu thereof the following general rule :—

Rule 12. Shot-firing in all mines shall be carried out in conformity with the regulations contained in Schedule Five to this Act.

Shot-firing]
Schedule
Five.

The said Schedule may be amended by the Governor's proclamation published in the Gazette, and upon such publication the amendments made by the proclamation shall be deemed to be part of this Act.

Any such amendment shall be initiated and dealt with in the same manner as an amendment of a special rule is under the provisions of this Act initiated and dealt with.

- (k) by inserting next after general rule twelve the following general rules :—

New general
rules 12A,
12B.

Rule 12A. The district of a mine assigned to a deputy or a shot-firer shall not be of such a size as to prevent him from carrying out in a thorough manner all his statutory duties. If any question arises under this rule, the question shall be decided by the chief inspector, whose decision shall be given effect to pending an appeal to the court.

Size of
deputy's or
shot-firer's
district.

Rule 12B. (1) Where there is danger caused by an accumulation of coal dust on the floor, roof, or sides of the roads in use for ordinary traffic in any mine, the said floor, roof, and sides shall be as far

Prevention of
coal dust.
of. 1 & 2
Geo. V, c. 50,
s. 62.

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as practicable systematically cleared or suitably treated so as to remove the said danger.

(2) In every mine, unless the floor, roof, and sides of the roads are naturally wet throughout—

- (i) arrangements shall be made to prevent, as far as practicable, coal dust from the screens entering the downcast shaft.

In the case of a mine newly opened after the thirty-first day of December, one thousand nine hundred and twenty-six, no plant for the screening or sorting of coal shall be situated within a distance of eighty yards from any downcast shaft except upon the written authority of the chief inspector ;

- (ii) Every skip shall be so constructed and maintained as to prevent, as far as practicable, coal dust escaping through the sides, ends, or floor of the skip, but any skip which was in use in any mine at the date of the passing of this Act may continue to be used in that mine if kept in a reasonable state of repair to the satisfaction of the inspector.
- (iii) the roads shall be examined by a competent person weekly, and a report (to be recorded in a book kept at the mine for the purpose) made on their condition as to coal dust and on the steps taken to mitigate danger arising therefrom.

(3) Every part of a mine in which electric cables for supply of light or power are suspended or in which trailing cables are used shall be stone-dusted or otherwise treated to such an extent

extent that the coal dust in such parts shall not be liable to ignition by arc or spark. George V,
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Such treatment shall not be compulsory if the liability to danger from arc or spark is removed as far as practicable by a system of earthing such cables to the general earthing system of the mine and the installation of leakage protection of the circuits to ensure automatic isolation of a faulty circuit immediately the current leaks or flows in an abnormal path.

This paragraph shall not come into operation until a date to be appointed by the Governor and notified by proclamation published in the Gazette.

(4) The floor, roof, and sides of the roads of such extensions of the workings as may be made after the thirty-first day of December, one thousand nine hundred and twenty-six, and as are accessible shall be systematically cleared or suitably treated so as to prevent, as far as practicable, the accumulation of coal dust.

- (l) by inserting at the end of general rule thirteen of section fifty-four the following paragraph :— General
rule 13.

In any working approaching within ten yards of a sealed area where the presence of inflammable or noxious gases may be apprehended, there shall be constantly kept not less than five yards in advance a borehole near the centre of the working and sufficient flank boreholes on each side.

- (m) by inserting next after general rule fourteen of section fifty-four the following general rule :— New general
rule 14A.

Rule 14A. In every mine an efficient means of telephonic communication shall be provided and maintained, and sufficient Telephonic
communi-
cation.
in

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in the opinion of the inspector for reasonable communications for properly carrying on the work of the mine.

This rule shall not apply in the case of a small mine.

**General
rule 17.**

- (n) by omitting general rule seventeen of section fifty-four, and by inserting in lieu thereof the following general rule :—

**Travelling
roads.**

Rule 17. (1) Every road used by the main body of men on any shift for travelling to and from their working-places or where the mine is divided into districts the road used by the main body of men employed in a district shall be of adequate height.

If the height of such road appears to the inspector to be inadequate, he may require that the height be increased to such an extent as he thinks proper, and the manager shall comply with the requisition unless he disputes the reasonableness thereof, in which case the difference shall be settled by the court.

(2) Every travelling road on which a horse or other draught animal is used underground shall be of sufficient dimensions to allow the horse or other animal to pass without rubbing against the roof timbering cables or fixtures, other than ventilating brattice.

**New general
rule 24A.**

- (o) by inserting next after general rule twenty-four the following new general rule :—

**Travelling
means of
egress to
second
outlet.**

Rule 24A. Where the return air-way affords a second means of egress from any district in a mine to the surface and is not ordinarily used for travelling, the deputy supervising in such district shall travel the whole of such air-way at least once in

in each week and ascertain the condition thereof as to ventilation and general safety, and shall make and sign a report with regard to same in a book to be kept for the purpose. George V,
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Such deputy shall give the workmen employed in such district an opportunity of accompanying him so that each workman may travel such return air-way at least once in each quarter and be enabled to make himself thoroughly acquainted with the same.

The manager shall cause guide boards or notice boards to be erected wherever necessary along the return air-way, or take such other means as may be deemed necessary to ensure that the route to the second outlet is indicated in a clear manner.

- (p) by omitting general rule forty-three of section fifty-four and by inserting in lieu thereof the following general rule:— General rule
43.

Rule 43. Suitable sanitary conveniences of a pattern approved by the inspector shall be provided above and below ground in every mine. Sanitation.

Every such convenience shall be kept in a cleanly and sanitary condition and in good repair and shall be emptied not less than twice in each week. The position of every place of convenience below ground shall be agreed upon by the manager and the check inspector and shall be indicated by having the roof and sides regularly coated with lime-washing.

If any question arises under this rule such question shall be decided by the inspector of the district whose decision shall be final.

(q)

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New general
rule 44.

Bath and
change-house
accommoda-
tion at mines.

(q) by inserting the following general rule next after general rule forty-three of section fifty-four:—

Rule 44. (1) (a) The owner, agent, or manager of every mine shall provide adequate bath and change-house accommodation near to the principal entrance of the mine to enable the persons employed in or about the mine to change and dry their clothes therein and to wash themselves.

The change-house shall not be in the engine-room or boiler-house, and the drying of clothes upon the boiler shall not be permitted;

(b) plans and specifications of all bath and change-houses shall be approved in writing by the Minister before the commencement of their erection;

(c) the accommodation and facilities for taking baths shall be provided in a building of sufficient dimensions, efficiently lighted and ventilated, kept in good repair, and while the accommodation is in use heated to a temperature of not less than seventy degrees Fahrenheit;

(d) the building shall be constructed of material to be approved by the Minister and shall have a floor of cement or similar material so graded and drained as to allow water to run to and be carried away at the sides of the building.

The building shall also be so constructed as to permit of the interior being easily cleansed, and to prevent accumulations of dirt;

(e) the floor space in every change-room shall not be less than ten square

square feet for each person employed underground in the largest shift at the mine; **George V,
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(f) separate accommodation shall be provided for youths under the age of eighteen years;

(g) the bath and change-house shall be supplied with an ample supply of hot and cold wholesome water, and a sufficient number of showers and washing basins shall be provided for the employees to have the use of the same without unreasonable delay.

Not less than one shower and two basins for every eight persons in the largest shift employed underground at the mine shall be provided;

(h) the water supply for the showers and basins shall be so arranged that the temperature can be regulated by the person using same;

(i) no water shall be supplied for baths or for washing which, owing to liability to cause injury to health or for any reason, is unsuitable for the purpose.

In the event of any question arising as to whether the water is unsuitable, samples shall be submitted to the Government Analyst and his report shall determine whether or not such water is unsuitable;

(j) the floor of the building, the cabinets, and the inside wall up to a height of seven feet shall be thoroughly cleansed once every day and the whole building shall be thoroughly cleansed at such fixed times as shall be decided by the inspector, but at least once in every ten days.

If the accommodation is used by more than one shift of persons during the day, the

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the cabinets shall be cleansed at such intervals during the day as shall be decided by the inspector; and

(k) provision shall be made for suspending in the roof of the building the clothes of each person using the accommodation, by means of a chain or a cord so treated as to be impervious to moisture.

The chain or cord shall be so arranged and fitted as to be under the sole control of the person to whom it is allotted, by means of a padlock to be provided by himself, and to keep the clothes of such person when suspended entirely separate from the clothes of any other person.

Efficient means shall be provided for drying clothes when so suspended.

(2) Bath and change-houses already constructed may be continued in use, provided that the Minister is satisfied that the accommodation, design and arrangements in connection therewith are satisfactory and sufficient.

(3) The Minister may grant exemption from all or any of the provisions of this rule in respect of any mine—

- (a) where it is mutually agreed to between the owner, agent, or manager and the representative of the union of employees;
- (b) in which less than twenty persons are employed; or
- (c) which is so situated or in respect of which the circumstances are such that the application of all or any of the provisions of this rule is not, in the opinion of the Minister, reasonably practicable.

(4)

(4) The owner, agent, or manager of any mine shall make rules to be observed by the persons using the bath and change-house with respect to keeping such bath and change-house in a clean and sanitary condition and also with regard to conduct therein.

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Such rules shall be approved in writing by the chief inspector and shall be exhibited in a conspicuous position in such house.

Any person wilfully neglecting to observe such rules shall be guilty of an offence against this Act.

(5) The provision to be made under this rule shall in respect of mines in operation at the commencement of this Act be made before the first day of July, one thousand nine hundred and twenty-seven, or within such further time as may be allowed in that behalf by the Minister upon the recommendation of the chief inspector, and in respect of mines commencing to operate after the said commencement within such time as may be allowed in that behalf by the Minister upon the like recommendation.

10. The Principal Act is further amended—

Amendment
of Principal
Act.
Sec. 3.

- (a) by inserting in section three after the definition of “Agent” the following new definition:—

“Coke-works” means any works for the manufacture of coke, but does not include any works used primarily for the production of coal gas.

(Coke-works.)

- (b) by inserting the following section next after section fifty-four:—

New section

54A. (1) (a) The owner or manager of any coke-works shall provide adequate bath and change-house accommodation at a convenient place

Bath and
change-house
accommoda-
tion at
coke-works.

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place on the site of operations to enable the persons employed at the coke-works to change and dry their clothes therein, and to wash themselves.

The change-house shall not be in the engine-room or boiler-house, and the drying of clothes upon the boiler shall not be permitted.

(b) plans and specifications of all bath and change houses shall be approved in writing by the Minister before the commencement of their erection ;

(c) the accommodation and facilities for taking baths shall be provided in a building of sufficient dimensions, sufficiently lighted and ventilated, and kept in good repair, and while the accommodation is in use heated to a temperature of not less than seventy degrees Fahrenheit ;

(d) the building shall be constructed of material to be approved by the Minister, and shall have a floor of cement or similar material so graded and drained as to allow water to run to and be carried away at the sides of the building.

The building shall also be so constructed as to permit of the interior being easily cleansed, and to prevent accumulations of dirt ;

(e) the floor space in every change room shall be not less than ten square feet for each person employed in the largest shift at the coke-works ;

(f) separate accommodation shall be provided for youths under the age of eighteen years ;

(g) the bath and change-house shall be supplied with an ample quantity of hot and cold wholesome water and a sufficient number of showers and washing basins shall be provided for the employees to have the use of the same without unreasonable delay.

Not

Not less than one shower and two basins for every eight persons in the largest shift employed at the coke-works shall be provided; George V,
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(h) the water supply for the showers and basins shall be so arranged that the temperature can be regulated by the person using the same;

(i) no water shall be supplied for baths or for washing which owing to liability to cause injury to health or for any other reason is unsuitable for the purpose.

In the event of any question arising as to whether the water is unsuitable samples shall be submitted to the Government Analyst, and his report shall determine whether or not such water is unsuitable;

(j) the floor of the building, the cabinets, and the inside wall up to a height of seven feet shall be thoroughly cleansed once every day, and the whole building shall be thoroughly cleansed at such fixed times as shall be decided by the inspector but at least once in every ten days

If the accommodation is used by more than one shift of persons during the day, the cabinets shall be cleansed at such intervals during the day as shall be decided by the inspector; and

(k) provision shall be made for suspending in the roof of the building the clothes of each person using the accommodation by means of a chain or a cord so treated as to be impervious to moisture.

The chain or cord shall be so arranged and fitted as to be under the sole control of the person to whom it is allotted by means of a padlock to be provided by himself, and to keep the clothes of such person when suspended entirely separate from those of any other person.

Efficient means shall be provided for drying clothes when so suspended.

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(2) Bath and change-houses already constructed may be continued in use, provided that the Minister is satisfied that the accommodation, design, and arrangements in connection therewith are satisfactory and sufficient.

(3) The Minister may grant exemption from all or any of the provisions of this section in respect of any coke-works—

- (a) Where it is mutually agreed to between the owner or manager and the representative of the union of employees ;
- (b) in which less than twenty persons are employed ; or
- (c) which is so situated or in respect of which the circumstances are such that the application of all or any of the provisions of this section is not, in the opinion of the Minister, reasonably practicable.

(4) The owner or manager of any coke-works shall make rules to be observed by the persons using the bath and change-house with respect to keeping such bath and change-house in a clean and sanitary condition and also with regard to conduct therein.

Such rules shall be approved in writing by the chief inspector and shall be exhibited in a conspicuous position in such house.

Any persons wilfully neglecting to observe such rules shall be guilty of an offence against this Act.

(5) An inspector shall have power to make such examination and inquiry as may be necessary to ascertain whether the provisions of this section have been complied with in the case of any coke-works, and to enter, inspect, and examine such bath and change-house at all reasonable times.

(6)

(6) Any person who wilfully obstructs an inspector in the execution of the duties hereby imposed, and any owner or manager of any coke-works who refuses or neglects to comply with the provisions of this section shall be guilty of an offence and be liable to a penalty not exceeding twenty pounds, and where any such offence is continued after conviction therefor, to a further penalty not exceeding five pounds for every day during which any such offence is so continued.

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(7) The provision to be made under this section shall in respect of coke-works in operation at the commencement of this Act be made before the first day of July, one thousand nine hundred and twenty-seven, or within such further time as may be allowed in that behalf by the Minister on the recommendation of the chief inspector, and in respect of coke-works commencing to operate after the said commencement within such time as may be allowed in that behalf by the Minister upon the like recommendation.

11. The Principal Act is further amended—

- (a) by omitting subsection two of section fifty-eight and by inserting in lieu thereof the following new subsection :—

Further
amendment
of Act No. 37,
1912, s. 58.

(2) For the purpose of establishing such special rules the procedure shall be—

Establish-
ment of
special rules
for any mine.

- (a) the owner, agent, or manager shall—

- (i) post up the proposed rules in like manner as is provided in section sixty-four, and shall post up at the same time a notice that any objections to the rules on the ground of anything contained therein or omitted therefrom may be taken by any person employed in the mine by sending a written statement of the same within fourteen days to the inspector of the district at an address specified in the notice, and a copy of the statement to the manager; and

(ii)

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- (ii) on the same day shall post a copy of the proposed rules to the secretary of the local miners' lodge, together with a notice that the lodge, if it has any objection, on the ground of anything contained therein or omitted therefrom, may make such objection by posting a written statement of the same to the inspector, and a copy of the statement to the manager within fourteen days;
- (b) the said proposed rules and notice so posted shall remain so posted for not less than two weeks;
- (c) after the said period of posting has elapsed the owner, agent, or manager shall send to the inspector two copies of the proposed rules signed by the owner, agent, or manager, together with a certificate that he has duly complied with the requirements of paragraphs (a) and (b) of this subsection, and with an intimation to the said inspector that the owner, agent, or manager has framed and has so transmitted the proposed rules for approval by the Minister.

Sec. 59.

- (b) by omitting subsection three of section fifty-nine and by inserting in lieu thereof the following subsection:—

(3) If the owner, agent, or manager sends his objection in writing within the said twenty days to the Minister, the matter shall be referred to the court for determination.

The rules shall be established as settled by such determination.

Sec. 60.

- (c) by inserting next after subsection two of section sixty the following new subsection:—

(New
subsection.)

(3) The local lodge or any workman employed in a mine may request the Minister to propose in writing to the owner, agent, or manager of the mine any new special rule, or any amendment of a special rule, and the Minister shall within twenty days inform the secretary of the lodge of his consent or refusal to do so.

If

If the Minister so consents, he shall within twenty days propose such amendment under subsection two of this section. George V.
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If the Minister refuses, or if he does not inform the said secretary within the said time (which omission shall be taken to be a refusal) the lodge may appeal as prescribed against such refusal to the court.

The court may determine the matter as upon a proposal by the Minister under section fifty-nine.

- (d) by inserting at the end of section sixty-eight the following new subsection :— Sec. 68.

(2) Where a notice has been given under section twenty-eight the offence shall, if no objection has been made under that section, not be deemed to have been committed until the expiration of ten clear days after the receipt of the notice, or if an objection has been made, then not until the expiry of the time specified in the order of the court for compliance therewith :

Provided that upon any proceedings being taken for an offence against section twenty-eight the court hearing the charge if satisfied that the defendant has taken active measures to comply with the requirements of the notice or order, but has not, although using reasonable diligence been able to completely comply with such requirements, may adjourn the proceedings, and if the works are completed within a reasonable time, no penalty shall be inflicted.

12. The Principal Act is further amended—

- (a) (i) by omitting from section sixty-nine the words "is guilty of" and by inserting in lieu thereof the words "is charged with"; Further
amendment
of Act No.
37, 1912,
s. 69.
(ii) by omitting from the same section the words "that tries the case" and by inserting in lieu thereof the words "before which he is so charged";

(iii)

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- (iii) by omitting from the same section the words "such person shall be liable if" and by inserting in lieu thereof the word "and";
- (iv) by inserting in the same section after the words "circumstances of the case" the words "the court may commit such person for trial at a court of quarter sessions and upon conviction he shall be liable."

New sec. 69A.

- (b) by inserting next after section sixty-nine the following section:—

Liability of
owners and
agents.

69A. (1) Where proceedings are taken under this Act against the owner or agent of a mine in respect of an offence under this Act for which the owner, agent, or manager or each of them is liable under this Act, the owner or agent shall not be liable to any penalty if he proves to the satisfaction of the court—

1 & 2 Geo. V,
c. 50, s. 102
(1).

- (a) that he was not in the habit of taking and did not in respect of the matters in question take any part in the management of the mine; and

Ibid.

- (b) that he had made all the financial and other provision necessary to enable the manager to carry out his duties; and
- (c) that the offence was committed without his knowledge, consent or connivance.

Ibid. (2).

(2) Save as above provided, it shall not be a defence in any proceedings brought against the owner or agent of a mine under this Act in respect of such an offence as aforesaid that a manager of the mine has been appointed in accordance with this Act.

Ibid. (3).

(3) Nothing in this Act shall render the owner, agent, or manager of a mine liable to a penalty in respect of any contravention of or non-compliance with the provisions of this Act, if he proves that the contravention or non-compliance was due to causes over which he had no control and against the happening of which it was impracticable for him to make provision.

(4)

(4) Nothing in this section shall be construed as preventing proceedings being instituted, in the first instance, against the manager for any offence for which the manager of the mine is liable under this Act. George V,
No. 19.
1 & 2 Geo. V,
c. 50, s. 102
(4).

(c) by omitting paragraphs (b) and (c) of section seventy and by inserting in lieu thereof the following paragraphs :— Sec. 70.

(b) Every court of petty sessions shall have jurisdiction to hear and determine complaints for the breaches of this Act punishable by fine.

Such complaints shall be made in the court of petty sessions of the police district in which the said mine to which the said complaint refers is situated, and the Justices Act, 1902, shall apply to all such proceedings: Provided that by the consent of the parties the said complaint may be heard by another court of petty sessions.

In respect of breaches the punishment for which may be imprisonment, a court of quarter sessions shall have jurisdiction to hear and determine the same.

(c) The court shall, if required by either party, cause the minutes of the evidence to be preserved.

(d) Where, with respect to or in consequence of any accident in the mine, a special report is made by an inspector, or a report is made by the court appointed to hold a formal investigation, or a coroner's inquest is held, and it appears from the report, or from the proceedings at the inquest, that any of the provisions of this Act were not being complied with at the time of the accident, summary proceedings against any person liable to be proceeded against 4 & 5 Geo. V,
c. 22, s. 2.

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against in respect of such non-compliance may be commenced at any time within three months after the making of the report or the conclusion of the inquest.

Amendment
of Act No. 37,
1912, Sch. 2
(7).

13. The Principal Act is further amended—

Sch. 3.

- (a) (i) by omitting the words “first or a second-class” from clause seven of the Second Schedule;
- (ii) by inserting in the same clause at the end thereof the words “and its description and class”;
- (b) by omitting the second paragraph of the Third Schedule relating to second-class certificates, and by inserting in lieu thereof the following paragraph:—

Second-class or third-class certificate, or Mine Electrician's certificate.

	£	s.	d.
By an applicant for examination	1 0 0
For copy of certificate	0 2 6

- (c) by inserting next after the Fourth Schedule the following schedule:—

FIFTH SCHEDULE.

REGULATIONS FOR SHOT-FIRING.

GENERAL.

Applicable to all mines.

1. In this Schedule, unless the context otherwise indicates or requires, “competent” means holding at least a third-class certificate of competency or of service as in the Act provided.

2. No drill shall be used for the boring of a shot-hole unless it allows at least a clearance of one-eighth of an inch over the diameter of the cartridge which is intended to be used in the shot-hole.

No person shall attempt to charge a shot-hole unless such clearance exists.

3. Before any shot is charged the direction of the hole shall, where reasonably practicable, be distinctly marked on the roof or other convenient place.

4. Every charge shall be placed in a properly drilled and placed shot-hole, and shall have sufficient stemming, and each such charge shall consist of not more than one description of explosive.

It shall be the duty of the person firing the shot to satisfy himself that these requirements are fulfilled before he fires the shot.

5. No explosive shall be forcibly pressed into a hole, and when a hole has been charged the explosive shall not be unrammed, nor shall any part of the stemming be removed nor shall the detonator leads be pulled out.

Sec. 54.

Rule 12.

New
Schedule.

Regulations
for shot-
firing.

6. The person firing the shot shall, after the shot has been fired, make a careful examination of the place and see that it is safe in all respects. George V.
No. 19.

7. Any explosive substance shall only be used in the mine below ground as follows:—

(a) It shall not be stored in the mine except as herein provided:—

Notwithstanding any provisions of the Explosives Act, 1905, where in any mine or part thereof the manager requires blasting to be done on the afternoon shift of mineral prepared for this purpose on the day shift immediately preceding such afternoon shift the estimated amount of explosive substance so required for each miner so employed (not exceeding 5 pounds) may be taken into the mine by the miner on the day shift who is employed preparing the mineral for blasting, and shall be stored by him in a suitable place in his working-place for the use of the shot-firer employed on the succeeding shift, who shall take therefrom such explosive substances as are required for the blasting of the mineral.

The owner, agent, or manager of the mine shall make suitable provision conveniently near the entrance of the mine for the storage of surplus explosives brought out of the mine at the end of each shift.

If any explosive remains in the possession of a workman at the end of his shift, other than the explosive excepted above, he shall bring it with him out of the mine, and return it at once to the place of storage provided for the purpose.

(b) It shall not be taken into the mine except in cartridges in a secure case or canister containing not more than 5 pounds, unless by the permission of the inspector granted to the manager of the mine on his application.

This provision shall not apply to sinking shafts.

(c) A workman shall not have in use at the one time in any one place more than one of such cases or canisters, unless by the permission of the inspector granted to the manager of the mine on his application.

(d) Detonators shall be kept in the place of storage provided for explosives under the Explosives Act, 1905.

(e) The detonators so stored shall be issued only to the manager or under-manager, or to a deputy or shot-firer, and to a miner of the said mine in the case of a naked light mine only.

(f) Every person to whom detonators are issued as aforesaid shall keep the detonators until they are about to be used for the charging of a shot-hole in a suitable case or box which shall be provided by the owner, agent, or manager, and which shall be kept securely fastened and separate from any other case or box containing explosive, and shall be used only for the storage of the detonators.

In the case of a shaft being sunk from the surface or deepened, it shall not be deemed a contravention of the foregoing provision if the primers for charges are fitted with detonators on the surface before being taken into the shaft.

(g) In the process of charging or stemming for blasting, a person shall not use or have in his possession any iron or steel pricker, charger, tamping rod, or stemmer.

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In all mines only clay or some other non-combustible material approved for the purpose by the inspector shall be used for stemming.

- (h) In any place in which the use of a locked safety-lamp is for the time being required by or in pursuance of this Act, or which is dry and dusty, no shot shall be fired except by or under the direction of a competent person appointed by the owner, agent, or manager of the mine.

Such person shall not fire the shot or allow it to be fired until he has examined both the place itself where the shot is to be fired and all contiguous accessible places of the same seam within a radius of 20 yards, and has found such place safe for firing.

- (i) If in any mine, at either of the inspections under General Rule 4 of section fifty-four of this Act recorded last before a shot is to be fired, inflammable gas has been reported to be present in the ventilating district in which the shot is to be fired, the shot shall not be fired—

(i) unless a competent person, appointed as aforesaid, has examined the place where gas has been so reported to be present, and has found that such gas has been cleared away, and that there is not at or near such place sufficient gas issuing or accumulated to render it unsafe to fire the shot; or

(ii) unless the explosive employed in firing the shot is so used with water or other contrivance as to prevent it from inflaming gas, or is of such a nature that it cannot inflame gas.

- (j) If the place where a shot is to be fired is dry and dusty, then the shot shall not be fired unless one of the following conditions is observed, that is to say—

(i) unless the place of firing and all contiguous accessible places within a radius of 20 yards therefrom are at the time of firing in a wet state from thorough watering or other treatment equivalent to watering, in all parts where dust is lodged, whether roof, floor, or sides; or

(ii) in the case of places in which watering would injure the roof or floor, unless the explosive is so used with water or other contrivance as to prevent it from inflaming gas or dust, or is of such a nature that it cannot inflame gas or dust.

- (k) If such dry and dusty place is part of a main haulage road, or is a place contiguous thereto, and showing coal dust adhering to the roof and sides, no shot shall be fired there unless—

(i) both the conditions mentioned in paragraph (j) of this regulation have been observed; or

(ii) unless such one of the conditions mentioned in paragraph (j) of this regulation as may be applicable to the particular place has been observed, and moreover all workmen have been removed from the seam in which the shot is to be fired, and from all seams communicating with the shaft on the same level, except the men engaged in firing the shot, and such other persons, not exceeding ten, as are necessarily

necessarily employed in attending to the ventilating furnaces, steam boilers, engines, machinery, winding apparatus, signals, or horses, or in inspecting the mine. **George V,
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- (l) Neither gunpowder nor any other explosive which is not on the list of permitted explosives in force for the time being shall be used in any part of a mine which is dry and dusty, or which is not free from inflammable gas.
- (m) No explosive shall be taken or used in any mine except explosives provided by the owner; and the price, if any, charged by the owner to the workman for any explosives so provided shall not exceed the actual net cost to the owner.

8. The person firing the shot shall, before doing so, see that all persons in the vicinity have taken proper shelter, and he shall also take suitable steps to prevent any person approaching the shot.

He shall also himself take proper shelter.

If he has reason to believe that there is a possibility of the shot blowing through into an adjoining place he shall send verbal warning to the persons in that adjoining place to take proper shelter.

9. Two or more shots shall not be fired in the same place simultaneously except that in the working of tops, two or more shots fired electrically may be fired simultaneously by permission of the inspector granted on application by the manager.

10. If two or more shot-holes have been placed in such a manner that the firing of one of them would be liable to relieve any part of the work to be done by another, each of these shots shall be fired before any other of them is charged.

11. Where in any longwall face shots to bring down the coal are fired between shifts, the foregoing requirement as to the charging of shot-holes shall not apply if and in so far as this observance would necessitate the firing of any such shot during a working shift.

12. If a shot misses fire, the following provisions of this regulation shall be observed :—

- (a) The person firing the shot shall not approach or allow anyone to approach the shot-hole until an interval has elapsed of not less than ten minutes, where the shot has been fired electrically, and not less than eight hours where the shot has been fired by fuse.
- (b) If a shot is being fired electrically the person firing the shot shall before approaching or allowing anyone to approach the shot-hole, disconnect the cable and the movable handle from the firing apparatus, or carry the apparatus with him in his own possession, and shall examine the cable and connections for any defect, and no person shall knowingly approach the shot-hole until this has been done.
- (c) If the person firing the shot has occasion to leave the place before the shot has exploded he shall fence off the place before leaving, and shall affix a danger board or fence indicating the presence of a miss-fire shot.
- (d) Except where the miss-fire is due to a faulty cable or a faulty electrical connection, and the shot is fired as soon as practicable after the defect is remedied, another shot shall be fired in a fresh hole which shall be drilled not less than

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twelve inches away from the hole in which the shot has missed fire, and shall, as far as practicable, be parallel with it.

- (e) A second charge shall not be placed in the same hole.
- (f) If the miss-fired shot contained a detonator, the person firing the second shot shall, before doing so, attach a string to the electric leads, or fuse of the miss-fired shot, and secure it by attaching it to the cable or to a prop or otherwise.
- (g) After the second shot has been fired no person shall work in the place until the person firing the shot or an official of the mine has made a careful search for the detonator and charge of the miss-fired shot.

If the detonator and charge are not found, the stone or mineral shall be loaded under the supervision of the person firing the shot, or an official, and sent to the surface in a skip or skips specially marked.

The search for the detonator and charge, and the loading of any stone or mineral which may contain a detonator, shall be carried out as far as possible without the use of tools.

- (h) Should the miss-fired shot not be dislodged by the second shot the person firing the shot shall report to the manager or other official, who shall take such action as he may deem desirable.
- (i) The person or persons firing the shots shall report the circumstances to the manager, under-manager, or deputy, and the number of cartridges, if any, which have not been found, and hand to him the detonator and charge, if found.

13. The provisions of Regulation 5 as to the pulling out of detonator leads shall not apply in cases in which an exemption has been granted by the Chief Inspector on the ground that water is used for stemming.

14. The provisions of Regulations 9 and 10 shall not apply in driving stone drifts or in sinking pits :

Provided that in stone drifts the number of shots which may be fired simultaneously shall not exceed three unless fired electrically in series.

Additional regulations applicable to naked light mines.

15. No shots shall be fired except by means of an efficient electrical apparatus or by means of a fuse.

The fuse shall consist of a core of gunpowder, protected by not less than three coverings of thread or by not less than two coverings of thread and one of tape or gutta-percha.

The fuse shall be of such quality that the time of burning of the fuse shall not vary more than 10 seconds above or below the rate of 90 seconds for every yard of fuse.

16. Where shots are fired electrically, they shall be fired by a person authorised in writing by the manager for the purpose.

The exploder, detonator, wires, and cable shall be suitable for the conditions under which the blasting is carried out.

High tension magneto generators shall be enclosed in flame-tight cases.

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The exploder shall be in the charge of the persons authorised to use it; and unless it is fitted with a detachable handle or key, which shall be detached when not required for firing, shall not under any conditions pass from the personal custody of the persons authorised to use it.

The person who is going to fire the shot shall himself couple up the cable to the detonator wires, and shall do so before coupling the cable to the firing apparatus.

He shall take care to prevent the cable coming into contact with any power or lighting cables.

He shall also himself couple the cable to the firing apparatus.

In cases where shots are fired by fuse, the fuse may be ignited by means of a naked light, subject to the conditions that no person while charging a shot-hole or handling any explosive not contained in a securely closed case or canister, shall smoke or allow any naked light to be within a distance of 4 feet of the shot-hole or explosive, and before a light is brought near to the hole for the purpose of firing the shot all other explosives shall be removed from the neighbourhood of the shot-hole.

Before coupling the cable to the firing apparatus, or igniting the fuse, he shall see that all persons in the vicinity have taken proper shelter.

Additional regulations applicable to safety-lamp mines.

17. A competent person (called a shot-firer) shall be appointed in writing by the manager for the purpose of firing shots.

No person shall be so appointed if his wages depend upon the amount of mineral to be gotten, nor unless he is the holder of at least a third-class certificate under this Act.

No shot shall be fired except by a shot-firer appointed as aforesaid.

18. Every shot-firer shall before commencing his shot-firing round refer to the last recorded inspection under General Rule 4 of section fifty-four of this Act of the ventilating district in which the shot is to be fired prior to his entering the said ventilating district to ascertain in what places inflammable gas has been reported to be present in the said ventilating district, and shall initial such report.

19. No shots shall be fired except by means of an efficient magneto electrical apparatus.

High tension magneto generators employed in any gassy mine shall be enclosed in flame-tight cases.

20. The said magneto electrical apparatus shall be in the charge of the shot-firer.

If fitted with a detachable handle or key, the said handle or key shall be detached by the said shot-firer and retained by him when not required to fire a shot.

If not so fitted, the said apparatus and fittings shall not pass from the personal custody of the said shot-firer whilst on duty except to a person authorised to fire shots.

21. The said apparatus, detonators, and firing cable shall be suitable for the conditions under which the blasting is carried out.

22. No shot shall be fired in coal unless the coal has been holed to a depth greater than the depth of the shot-hole.

This provision shall not apply to any anthracite mine or to any mine where by reason of the character of the coal or the inclination of the seam, holing would be impracticable or dangerous.

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23. Every shot shall be charged and stemmed by or under the supervision of a shot-firer.

Before the hole is charged a shot-firer shall examine it for breaks running along or across, and if any such break is found the hole shall not be charged, except in stone drifts.

24. No shot shall be fired unless immediately before the shot is to be fired the shot-firer has examined with a locked safety-lamp or other apparatus approved for the purpose by the Chief Inspector, the place where the shot is to be fired and all contiguous accessible places within a radius of 20 yards from the place, and has found them clear of inflammable gas and in all respects safe for firing.

25. No shot shall be fired unless the shot-firer has examined the floor, roof, and sides of all contiguous accessible places within a radius of 20 yards of the place where the shot is to be fired for coal dust, and has taken efficient steps to render any coal dust within that area harmless.

26. The shot-firer shall himself couple up the cable to the detonator wires, and shall do so before coupling the cable to the firing apparatus.

He shall take care to prevent the cable coming into contact with any power or lighting cables.

He shall also himself couple the cable to the firing apparatus.

Further
amendment of
Act No. 37,
1912, s. 1 (3).

14. The Principal Act is further amended—

- (a) by inserting in subsection three of section one the word “deputies” after the word “under-managers”;
- (b) by omitting from the same subsection the word “Arbitration” and by inserting in lieu thereof the words “Court of Coal Mines Regulation”;
- (c) by omitting from the same subsection the figures “56” and by inserting in lieu thereof the figures and letter “56A.”

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