

Mining (Safety) Regulations

[Subsidiary]

MINING (SAFETY) REGULATIONS

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MINING (SAFETY) REGULATIONS

Under s. 128

G.N.
99/1982

PART I

PRELIMINARY

1. These Regulations may be cited as the Mining (Safety) Regulations, and shall apply to all mining and prospecting operations including quarrying and open cast working.

Citation and
application

L.R.O.1/1983

Mining (safety) Regulations

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Interpretation

2- (1) In these Regulations, unless the context otherwise requires-

“bank” means the top, and the area immediately surrounding the top, of a shaft or winze;

“conveyance” means a truck, cage, skip, bucket or kibble;

“haulage way” means any inclined rail-track, not being an inclined shaft, on which conveyances are raised or lowered while attached to a rope which is attached to or surrounds a drum;

“inspector” means an officer appointed under section 5 of the Act;

“kep” means a device in a shaft or at bank on which conveyances used in a shall rest;

“manager” means the person responsible for the management of operations;

“operations” means mining and prospecting operations including quarrying and opencast working;

“trammig” means the movement on rails of conveyances for which the motive power is secured only to the conveyances.

(2) For the purposes of the definition “haulage way” “inclined shaft” means an inclined rail-track, whether underground or partly underground, rising overall more than .25metre vertically in .30 metre horizontally on which conveyances are raised or lowered while attached to a rope which is attached to or surrounds a drum.

3.(1) A copy of these Regulations shall be kept available for easy reference on all land where operations are being carried out.

Regulations to be kept available for reference

(2) An abstract of these Regulations shall be kept posted in such a place that all persons employed in operations shall have access to and the opportunity to read them.

4-(1) A manager may give written directions for the conduct and guidance of persons employed in operations.

Power of manager to give written directions

(2) Such directions shall not come into force until approved in writing by the Commissioner.

(3) Such directions shall remain in force until cancelled by the Commissioner or by the manager with the written consent of the Commissioner.

(4) A copy of such directions shall be kept posted in such a place that all employees shall have access to and the opportunity to read them.

(5) Any person employed in operations who contravenes any such directions applicable to him is guilty of an offence.

5. Notice of the proposed starting, re-starting or cessation of operations shall be sent to the Commissioner by the manager concerned in the form set out in the schedule.

Notice to be given on starting and stopping work

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PART II
HEALTH, SAFETY AND ACCIDENTS

6. It is the duty of the manager to ensure that all necessary measures are taken for the prevention of danger to life or property whether or not the measures are specified in these Regulations.

Duty of manager to take measures to prevent danger

7. A manager or foreman or person in any similar supervisory capacity shall not, by his instruction, default or negligence, cause or permit to exist any state of affairs which is reasonably calculated to endanger the safety of persons or property.

Duty of all persons in authority to prevent danger

8. No person employed in operations-

Negligence of employees

(a) shall fail to take all necessary and proper precautions to ensure the safety of persons and property;

(b) shall act in such an unskillful or unworkmanlike manner as to be likely to endanger persons or property;

(c) shall, without authority, remove, alter or render unserviceable any structure, apparatus or machine, which is intended to provide for health or safety.

9. Any person employed in operations who observes anything which he considers might be dangerous to life or property shall-

Action on observing danger

(a) take immediate measures to prevent the entry of persons into the danger area;

(b) take all measures necessary to obviate the danger if it is safe to do so and if it is his normal duty to do so; and

(c) inform a person in authority over him of the danger, if he has not taken all measures necessary to obviate it.

10.- (1) No material or object shall be placed or permitted to remain in any place from which it might fall, or in any place in which it might be accidentally pushed and thereby caused to fall, constituting a danger to persons or property.

Measures against falling

(2) Where persons may be expected to stand, walk or work near the edge of any excavation or structure, there shall be maintained fencing, barricades, walls, or similar structures, adequate to prevent persons from falling over such edge.

(3) Every person working in a place from which he might slip or fall a vertical distance of more than 2 metres shall be provided with and shall wear a safety belt in good condition and constructed from sound and suitable material; and such safety belt shall be securely attached to a rope, of adequate strength, which shall be either fastened to a strong anchorage or firmly held and controlled by a person other than the wearer of the safety belt.

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11. Fencing, barricades, walls and similar structures shall be provided and maintained to prevent entry into every unused excavation.

Fencing of unused excavations

12. Overhead cover of adequate strength shall be provided and maintained for the protection of persons who otherwise might be exposed to danger from falling objects

Overhead cover

13. Every person underground and every person employed in operations who may be exposed to danger from falling objects shall be provided with and shall wear a safety helmet of a pattern that has been approved by an inspector.

Safety helmets

14. Every person under ground and every person employed in operations who moves rock manually shall be provided with and shall wear safety footwear of a pattern that has been approved by an inspector.

Safety footwear

15. Every person employed in operations who breaks rock by hammering shall be provided with and shall wear leg-guards and goggles, each being of a pattern that has been approved by an inspector.

Leg-guards and goggles

16. Where, in connexion with any process, there is produced dust of a kind and quantity as to be likely to be injurious to persons, the manager shall ensure-

General dust precautions

(a) that the entry of the dust into the air, and its accumulation in any place where it might be harmful, is minimized by means of adequate measures taken as near as possible to the point of origin of the dust; and

(b) that any of the dust which enters the air is trapped, removed, or so dispersed as to render it harmless.

17. Every percussion rock drill used in underground workings-

Dust from rock drills

(a) shall be supplied with water at a pressure of not less than 2.20 kilograms per square centimetre and in such quantity and manner that all dust made by drilling is wetted; and

(b) shall be fitted with front-head air release ports.

18. The Commissioner, for the purpose of safeguarding (to such extent as he thinks necessary) the health of persons who might be exposed to radio-activity, may issue written instructions, and such instructions shall be obeyed.

Safeguards against radio-activity

19.- (1) Wherever persons are employed in operations there shall be provided and maintained, in a readily accessible place, a first aid box or cupboard equipped to the standard prescribed in regulations 2 to 4 inclusive of, and the Schedule to, the Factories (First Aid) Regulations.

First aid equipment

(2) Nothing except appliances or requisites for first aid shall be kept in a first aid box or cupboard.

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(3) There shall also be provided and maintained such additional equipment as an inspector may in writing direct; for the purposes of this subregulation "equipment" includes ambulances, and sling-stretchers suitable for raising persons from excavations.

(4) Every first aid box or cupboard, and all additional equipment provided in pursuance of subregulation (3), shall be placed under the charge of responsible persons of whom at least one shall be readily available during every working hour.

20.-(1) If any accident occurs during operations which results in-

- (a) loss of life, or grievous harm as defined in section 4 of the Penal Code, to any person; or
- (b) serious damage to the property of any person or of the Government,

Reporting accidents

Cap.7:01

the manager shall without delay report the accident by telephone or telegram to the Commissioner or to an inspector and shall also send, to the same official, full details of the accident in writing as soon as reasonably practicable.

(2) After an accident such as described in subregulation (1) (a) has occurred, the scene of the accident shall be left undisturbed until the Commissioner or an inspector has completed an investigation of the accident; but nothing in this subregulation shall be construed so as to require any delay in the carrying out of rescue work, or work necessary for the safety of persons or property, or in the resumption of operations after 72 hours have elapsed since the time of the accident.

(3) Nothing in this regulation shall relieve any person of any duty to report the accident, or to take any other action, which he may have under any other written law.

PART III

SURFACE AND UNDERGROUND OPERATIONS IN GENERAL

21. Every dragline, face shovel, front-end loader, grab, or similar appliance loading into a vehicle, shall have an attendant who shall control the movements of such appliance and vehicle and shall prevent persons from entering an area where they might be exposed to danger from such movements.

Attendant required for excavating machines

22. No person shall remain in a vehicle while it is being loaded by an appliance mentioned in regulation 21 if he is endangered by so remaining.

No person to remain during loading of vehicle if thereby endangered

23. A vehicle transporting persons, goods or materials-

Operation of vehicles

- (a) shall be in good repair and efficient working order;

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- (b) shall be driven in a skilful, careful and workmanlike manner; and
- (c) shall not be loaded in such a manner or to such an extent as to interfere with its safe operation or its capability of being safely driven.

24. Where a vehicle is used for tipping material into any bin, pit or excavation or over the edge of any embankment or earthwork, there shall be provided adequate physical means of preventing the vehicle from overrunning the edge of such bin, pit, excavation, embankment or earthwork.

Safeguards to prevent vehicles from over-running

25. Water containing poisonous or injurious substances shall be retained in an area or receptacle which shall be fenced or closed in such a manner that neither persons nor animals can have easy access to it, and adequate notices shall be displayed warning against the use of such water.

Safeguards for poisonous or injurious water

26. All artificial watercourses, drains, dams and spillways shall be of a size and strength that is adequate for their purpose.

Structures controlling water to be adequate

PART IV

SURFACE OPERATIONS

27. No face cut by hand in an opencast working or quarry shall be undercut.

Under-cutting by hand forbidden

28. The manager of an opencast working or quarry shall ensure that all faces are frequently and adequately thoroughly examined for cracks and subsidences by a person competent to assess the likelihood of a fall or slip and the danger likely to arise from any such fall or slip.

Faces to be examined

29.-(1) An inspector may give such orders concerning the faces of opencast workings or quarries as he considers to be necessary for the safety of persons or property, and such orders shall be obeyed.

Inspector may give orders for safety of faces

(2) Without prejudice to the generality of subregulation (1) such orders may relate to-

- (a) the steepness of slopes;
- (b) the construction of benches;
- (c) the horizontal width of benches;
- (d) the vertical interval between benches; and
- (e) the drainage of water on or near faces or benches.

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PART V

UNDERGROUND OPERATIONS

30.-All parts of an underground working in which work is in progress or which can be used for travelling shall be adequately supported so that ground or rock therein cannot fall.

Support of excavations

31.-An inspector may give orders concerning the locality and dimensions of pillars to be left in underground workings for the safety of underground workings or for the safety of persons or structure whether above ground or underground, and such orders shall be obeyed.

Safety pillars

32.-No person shall pass through or be required to pass through an unsafe place, and no person shall remain or be required to remain in an unsafe place unless he is working to make that place safe.

Persons not to be in unsafe places

33.-All necessary measures shall be taken to ensure that all persons underground are in an atmosphere which does not contain gas or dust in quantities that are dangerous to health, and which in circulation, temperature and relative humidity creates conditions in which work can be performed without distress.

Healthy atmosphere to be ensured

34.-In any underground part of a mine in which work is being carried on there shall be provided suitable and adequate means by which persons working there can reach the surface by a route which does not necessitate the use of mechanical or manual hoisting or hauling; and an inspector may order that there shall be a second such route from any underground part of a mine if in his opinion a second route is necessary for safety, and such order shall be obeyed.

Egress to be possible without hoisting or hauling, etc.

35.-Whenever there is reason to believe that workings may be near to abandoned workings or to an accumulation of water, then boreholes not less than 3 metres long shall be drilled ahead of the newer workings and boreholes of the maximum depth which space allows or 3 metres deep, whichever is the less, shall be drilled above, below and to each side of the newer workings.

Precautions regarding approach to abandoned workings or water

36.(1) Every machine while working at pumping, hauling or hoisting shall be brightly illuminated.

Illumination

(2) The leading truck of a train, and any solitary truck, when in motion, shall carry a light in front.

(3) Every person in any underground part of a mine, which has no fixed illumination shall be provided with a light designed to last for not less than the period for which he is expected to remain underground.

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37.-Where persons walk in tunnels in which tramping takes place there shall be either-

Clearance or
refuges in
tunnels

(a) clearance of not less than .50 metre between each side of the tunnel and the widest conveyance used therein; or

(b) refuges provided at intervals of not more than 30 metres, each of which being large enough to allow 3 persons to stand clear of any passing conveyance.

38.-In all haulage-ways, shafts and winzes in which persons may be expected to walk or climb while conveyances are in motion in them, there shall be a traveling-way which shall be completely separated, from the part in which conveyances move, by a partition strong enough to protect persons in the travelling-way from falling objects.

Travelling-ways
in shafts, etc., to
be partitioned

39. All ladders shall-

Construction and
erection of
ladders

(a) be at all times sufficiently strong to be safe for use;

(b) be securely fastened in position save as provided in regulation 42;

(c) be erected so that they do not overhang persons using them;

(d) rise less than 1.75metres vertically in a horizontal distance of .30 metre if they exceed 9 metres in length

(e) be so placed that the free tread of feet on the rungs is not obstructed; and

(f) have rungs not more than .25 metre apart, center to center.

40. Ladders, if placed against the top of any platform required by regulation 41 or the top of any shaft or winze, shall project not less than 1 metre above such top except where strong handgrips are fastened above such top for not less than 1 metre and at vertical intervals of not more than .25 metre.

Ladders to
project above top
of platforms etc.

41. All ladderways-

Platforms in
ladderways

(a) rising more than .80 metre vertically in .30 metre horizontally shall have platforms at vertical intervals of not more than 9 metres and the manhole in every such platform shall be covered by any ladder resting on the platform;

(b) rising more than .20 metre vertically in .30 metre horizontally and less than .80 metre in .30 metre horizontally shall have platforms at verticals of not more than 18 metres.

42. In all shafts and winzes that are being sunk or deepened-

Ladders during
sinking or
deepening to be
provided

(a) chain ladders shall be provided to extend from the bottom timbers to the bottom of the shaft or winze and such chain ladders shall not be more than 9 metres long; and

(b) fixed ladders shall be provided from the bottom timbers upwards.

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43. While work is in progress at the bottom of a shaft or winze, no work shall be performed above the bottom and no conveyance shall be hoisted or lowered in the shaft or winze unless all persons employed at the bottom are protected from falling objects by a platform of adequate strength which extends over the entire area of the shaft or winze and any openings in the platform are kept shut when not in use.

Platform to protect persons at bottom of shaft or winze

PART VI

HAULING AND HOISTING

44. Haulage ways and conveyances on them shall be equipped with such devices as an inspector directs or approves to effect the derailment of any runaway conveyance.

Deraulment devices on haulage ways

45. No haulage or hoist powered by a prime mover shall be brought into operation until after it has been examined by an inspector and he has stated in writing that it is satisfactory and may be brought into operation.

Power operated haulages and hoists to be examined

46. All mechanical failures, malfunctions and accidents occurring to or in connexion with any haulage or hoist shall be reported immediately to an inspector.

Mechanical defects and accidents to be reported

47. At the brow of every haulage way there shall be a device approved by an inspector which can be used and shall be used in such a manner that conveyances cannot move onto the incline until required to do so.

Device at brow of haulage way to prevent accidental descent

48. The drum in connexion with all hauling and lowering apparatus used with a haulage way shall be so placed that the operator of the drum has a clear view of the brow of the haulage way.

Operator of drum to have clear view of brow

49. The drum in connexion with all hauling and lowering apparatus shall be equipped with an effective brake capable of holding without slipping when no prime mover is connected to the drum twice the normal maximum load.

Drum of haulage apparatus, etc., to be equipped with brake

50.—(1) Every haulage way longer than 15 metres in which the operator of the hauling or lowering apparatus does not have a clear view of the other end of the haulage way, and every haulage way longer than 60 metres, shall have a device for communicating definite signals between stopping places and the hauling or lowering apparatus.

Signalling apparatus for haulage ways

(2) The signals referred to in subregulation (1) shall conform with regulations 56 (1) and 57 and shall be displayed in the manner prescribed in regulation 58.

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51. In regard to every hand-operated windlass-

- (a) the handles shall be so made that no part of them can revolve in the drum;
- (b) the supports of the drum shall be so made that they are rigid;
- (c) the drum shall be of sufficient height above the top of the shaft or pit to allow any article hoisted by the rope to swing clear of the top;
- (d) the drum shall be equipped with an efficient brake capable of holding without slipping twice the normal maximum load;
- (e) the rope shall be securely fastened to the drum and there shall be at least four turns of the rope round the drum when the free end of the rope is at the bottom of the shaft or pit; and
- (f) Every the windlass shall not be used for hoisting or lowering for a vertical distance greater than 30 metres.

Construction and use of hand-operated windlasses

52. Every winding engine which is powered by a prime mover and which is used in connexion with a shaft or winze shall be-

Construction of winding engines

- (a) fitted on each drum with an efficient brake capable of holding without slipping when the prime mover is not connected to the drum twice the normal maximum load;
- (b) so constructed that the rope cannot slip off the drum; and
- (c) fitted with a means of showing the position of every conveyance if hoisting is done from more than one place.

53.-(1) Every rope used for hoisting in a shaft or winze shall-

Requirements regarding ropes for hoisting

- (a) be capable at every part of its length of supporting at least six times the normal maximum load;
- (b) be passed round its drum at least four times when any conveyance hoisted by it is at its lowest point of travel;
- (c) be examined thoroughly at monthly or more frequent intervals by a competent person who shall be appointed by the manager and who shall enter in a book kept solely for the purpose the following particulars-
 - (i) identification of the rope which was examined;
 - (ii) the date of the examination
 - (iii) details of any defects observed; and
 - (iv) his signature at the end of the entry.

(2) The rope used for hoisting in a shaft or winze shall be made of wire if the portion in use is longer than 30 metres.

(3) Every rope made of wire and used for hoisting in a shaft or winze-

- (i) shall be adequately lubricated at monthly or more frequent intervals; and
- (ii) shall be re-capped at least once every six months.

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54.-(1) All cages used for raising or lowering persons shall-

Construction of cages

- a) be completely covered by a roof and be closed in on both sides;
- b) be fitted with gates or bars at both ends, adequate to prevent any person falling out;
- c) have prominently exhibited inside, a notice stating the maximum number of persons permitted to travel therein;
- d) be equipped with such guide-shoes, safety-catches, and detaching devices, as an inspector directs.

(2) No person shall enter a cage if by so doing he would make the number of persons about to travel therein exceed the maximum permitted number.

55. All shafts and winzes in which winding takes place over a length greater than 30 metres shall-

Equipment of shafts

- a) be equipped with a winding engine powered by a prime mover;
- b) be equipped with an effective device for transmitting signals between the driver of the winding engine, each station in the shaft, the bank, and the bottom if sinking or deepening is in progress;
- c) if vertical, be equipped with effective guides for any conveyance being wound;
- d) if used for winding persons-
 - (i) be equipped with gates at bank and at all levels; and
 - (ii) be equipped with keps at bank.

56.-(1) The code of signals to be used in connexion with winding shall be-

Code of winding signals

<i>Knocks or rings</i>	<i>Meaning</i>
1	Raise, when conveyance is at rest
1	Stop, when conveyance is in motion
2	Lower
3	Persons are about to travel
5	Blasting signal
7	Accident signal

(2) Upon hearing the blasting signal, the engine driver shall forthwith raise the conveyance about 3 metres and then lower it to its previous position.

57. The manager may authorize signals in addition to, but not inconsistent with, the code prescribed in regulation 56 (1).

Additional signals

58. At every place where the signals prescribed in regulation 56 (1) can be made or received, the code of signals including any additional signals authorized pursuant to regulation 57 shall be displayed in characters sufficiently large to be read without difficulty from a distance of 3 metres by a person with normal sight.

Signal code to be displayed

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59.-(1) The manager shall appoint as a winding engine driver only a person-

- (a) having no physical infirmity likely to interfere with the efficient performance of his duties; and
- (b) who has proved to the satisfaction of the manager that he possesses the skill and knowledge necessary to perform his duties efficiently.

Appointment of drivers of winding engines, etc.

(2) Notwithstanding subregulation (1), the manager may in writing appoint a learner winding engine driver not having the skill and knowledge referred to in paragraph (b) thereof if, and only if, the manager ensures that the winding engine is operated by the learner only when under the close supervision of a winding engine driver appointed in accordance with that subregulation.

(3) Subject to subregulation (2), no winding engine shall be operated except by a person who has been appointed in writing by the manager in accordance with subregulation (1).

60. A winding engine shall not be operated except after receipt of a signal prescribed in regulation 56 (1) or 57.

Winding engine to be operated only after signal

61. No winding engine shall be operated while there is any known or suspected defect in it or in any appliance moved by it or in any appliance controlling such movement, except for such operation as is necessary for the repair or investigation of a known or suspected defect.

Winding engine not to be operated in fault known or suspected

62. The drum of a winding engine shall not be unclutched unless the brake has been tested immediately beforehand by applying power to the drum in the direction of the load after the brake has been applied to the drum and it has been proved that the brake is capable of holding the load being carried by that drum.

Drum not to be unclutched before testing brake

63. Power alone shall be employed in lowering a conveyance; lowering on brakes only is prohibited

Lowering on brakes prohibited

64. All material which projects above the top of a conveyance while being raised or lowered in a shaft or winze shall be fastened to the winding rope or to the conveyance in such a manner that it cannot come into contact with any other plant or equipment.

Material projecting above conveyance to be secured

65. The distance between bank and the lowest part of any winding sheave shall be not less than 8 metres or twice the maximum circumference of the drum of the relative winding engine plus the height of the tallest conveyance used plus the capping of the rope, whichever is the less.

Clearance under winding sheave

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PART VII

MISCELLANEOUS

66.-(1) Any person who contravenes any provision of these Regulations shall be guilty of an offence and liable to a fine of K300 and to imprisonment for a term of three months.

Offences and penalties

(2) Any person who knowingly disobeys an instruction of the Commissioner issued under regulation 18 or an order given by an inspector given under regulation 19 (3), 29 (1), 31 or 34, being an instruction or order applicable to such person and with which it is considered by the Court that he ought in the circumstances to have complied, shall be guilty of an offence.

(3) Any person convicted of an offence under regulation 4 (5) or under subregulation (2) of this regulation is liable to a fine of K200 and to imprisonment for two months.

SCHEDULE

reg. 5

FORM

MINING (SAFETY) REGULATIONS
NOTICE OF PROPOSED STARTING, RE-STARTING OR
CESSATION OF OPERATIONS

- 1. Type of operation:
Prospecting
Mining
Opencast working
Quarrying
(Delete where not applicable)
2. Conducted at (District and locality):.....
3. Under the Authority of:
Mining Licence No.
Exclusive Prospecting Licence No.
Claim No.
Government Quarrying with Certificate of Registration as a factory No.
(Delete where not applicable)
4. Worked by (name and address of holder of Authority in 3 above):
.....
5. Will Start
Re-start } operations on:
Case
(Delete where not applicable)
6. Number of persons employed:
7. Explosives used: YES/NO
(Delete where not applicable)
8. Type of machinery used and total power:
Signature of Manager:
Date