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Statutory Instrument 182 of 1995.

ICAP. 165

Mining (Health and Sanitation) Regulations, 1995

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It is hereby notified that the Minister of Mines has, in terms of section 427 of the Mines and Minerals Act [Chapter 165] made the following regulations:—

FRELIMINARY

*Title*

1. These regulations may be cited as the Mining (Health and Sanitation) Regulations, 1995.

*Interpretation*

2. In these regulations—

“director of environmental health services” means an officer who is in charge of environmental health services and employed by the Ministry of Health and Child Welfare;

“director of health services” means a medical practitioner registered under the Medical, Dental and Allied Professions Act [Chapter 224] who is in charge of health services in a local authority (e.g. municipality);

“environmental health technician” means a person who is registered as an environmental health technician with the health professions council, under the Medical, Dental and Allied Professions Act [Chapter 224] and is employed by the government or a local authority;

“environmental health officer” means a person who is registered as an environmental health officer with the health professions council, under the Medical, Dental and Allied Professions Act [Chapter 224] and is employed by government or a local authority;

“form” means the appropriate form prescribed in the First Schedule;

“group of mines” means—

(a) in relation to precious metal or precious stone mines, any number of mines, whether contiguous or otherwise, owned or held under agreement of lease or option by the same person, the ore from which is treated at the same milling or reduction plant, or which are under the control or management of the same mine manager;

(b) in relation to base mineral or coal mines, any number of mines whether contiguous or otherwise, owned or held under agreement or lease or option by the same person, and which are under the control or management of the same mine manager;

“local authority” means local authority as defined in the Urban Councils Act [Chapter 214] or Rural District Councils Act, 1988;

“mine manager” means a person appointed as such in terms of Part I of the Mining (Management and Safety) Regulations, 1990, published in Statutory Instrument 109 of 1990;

“medical officer of health” means a medical practitioner registered under the Medical, Dental and Allied Professions Act [Chapter 224] and is employed by the government or a local authority;

“minister” means the Minister of Mines;

“notifiable disease” means any disease declared to be a notifiable disease in terms of the Public Health Act [Chapter 328];

“provincial medical director” means a medical practitioner registered under the Medical, Dental and Allied Professions Act [Chapter 224] who is in charge of health services in a province and is employed by the Ministry of Health and Child Welfare;

“resident” means a dependant of an employee of any mine who is resident upon such mine with the consent of the mine manager or the personnel manager.

PART I

GENERAL

*Mine manager responsible for observance of regulations*

3. (1) The mine manager shall be responsible for the due observance of these regulations:

Provided that when any breach of these regulations occurs, the person actually carrying on the work of mining on any mining location, whether he is the holder or the lessee or assignee of the rights of such holder, shall be liable to prosecution therefore, in addition to the mine manager.

(2) Where a mine falls within the boundaries of a municipality or urban council area, in addition to these regulations, such mine shall comply with the health by-laws of the respective local authority.

*Powers of entry: health officials*

4. Health officials may, at all reasonable times, enter any mine or mine premises for the purpose of ensuring compliance with these regulations.

*Sanitary conditions and drainage*

5. All mines and dwelling-places thereon shall be kept in a sanitary condition and adequately drained.

*Disposal of rubbish or refuse*

6. No rubbish or refuse, other than mineral refuse produced by mining operations, shall be deposited on a site other than that approved by an environmental health officer, after consultation with the mine manager, and no person shall deposit, or cause to be deposited, any rubbish or refuse at any place other than the site selected in terms of this section, except temporarily for the purpose of removal to the selected site within forty-eight hours.

*Disposal of carcasses*

7. All carcasses of animals other than animals slaughtered for human consumption shall, within twelve hours of death, be—

- (a) removed to a site approved by an environmental health officer, and buried at a depth of at least one metre beneath the surface of the ground; or
- (b) effectually destroyed by fire.

*Approval of burial site and burial of the dead*

8. (1) An environmental health officer or environmental health technician, after consultation with the mine manager, may approve a suitable and convenient site for the burial of the dead.
- (2) No person shall be buried on any mine other than at the site approved in terms of subsection (1).
- (3) Every grave shall be at least two metres in depth.

*Provision of latrines*

9. (1) At every mine there shall be provided one water closet latrine for each family dwelling and where single men are employed one latrine for fifteen men shall be provided.
- (2) Every latrine shall be designed to the approval of an environmental health officer and shall have adequate hand washing facilities and shall be suitably lighted and ventilated and screened from the public view, and shall be periodically cleansed and maintained in a proper and sanitary condition, to the satisfaction of an environmental health officer.

*Use of certain types of latrine restricted*

10. No person shall use or permit the use of any latrine employing the bucket, pit or open-trench system within the mine premises except in underground operations where bucket latrine system may be used as prescribed in section 11 of these regulations.

*Provision of latrine within mines*

11. (1) Every mine shall be provided, at each level, with either buckets or aqua-prives or septic-tank latrines for the collection of urine and night-soil, with a minimum of one such convenience for every fifty persons employed on each level.
- (2) The facilities in subsection (1) shall be located in an easily accessible and well ventilated area.

- (3) Bucket latrines shall be emptied at least once in twelve hours and the floors of such latrines shall be of continuous cement and a water point for washing shall be provided at each latrine.

*Removal and disposal of night-soil*

12. On every mine, suitable and adequate arrangements shall be provided, to the satisfaction of an environmental health officer or environmental health technician, for the removal and innocuous disposal of all night-soil and urine from underground operations.

*Use of latrine*

13. No person on any mine shall deposit any night-soil or urine in or on any place other than in the latrine accommodation provided.

*Provision for medical examination, care and treatment of employees and residents*

14. Provision shall be made by every mine for—
- (a) the proper medical examination and care and treatment of all employees and residents who are sick or injured;
  - (b) the employees and residents to have access to a health service which encompasses health education, mother and child care, including child spacing, communicable disease control, provision of immunization services and other relevant primary health care services, in collaboration with the Ministry of Health and Child Welfare.

*Provision for regular medical attendance*

15. (1) On every mine or group of mines, having three hundred or more employees resident on the mine, provision for the regular medical attendance of such persons by some duly qualified medical practitioner shall be made, and the period between separate attendances shall at no time be more than seven days.
- (2) The provision of subsection (1) may, upon a written order of the Minister, after consultation with the Minister of Health and Child Welfare, be made to apply to any group of mines employing less than three hundred persons.

Provided that the Minister shall not make any order in terms of this section until he has consulted with the Minister of Health and Child Welfare and furnished with a certificate by the Secretary for Health and Child Welfare to the effect that it is essential in the interests of public health that such order be made.

(3) The Minister may, after consultation with the Minister of Health and Child Welfare, by written certificate, exempt from the provisions of subsection (1) any mine or group of mines falling within the provisions thereof.

*Provincial medical director or director of health services may direct provision of medical attendance*

16. At every mine, having less than three hundred resident employees, a provincial medical director or director of health services or any person acting in such capacity may, in case of unusual or excessive sickness, direct that medical attendance be provided for any period which he may, in writing, prescribe.

*Maintenance of medical supplies and drugs*

17. (1) There shall be kept and maintained at every mine a supply of drugs, dressings and appliances as specified in the Second Schedule for the immediate treatment of all accidents, burns and other injuries likely to occur on such mine.

(2) The supply of drugs and dressings mentioned in subsection (1) shall be kept in a first-aid box capable of being conveyed to the underground workings, in premises adjacent to the principal entrance to the mine workings, and shall at all times be available for immediate use.

(3) At all times where fifty persons or more are employed, a suitable qualified first aid trained worker shall be available to render immediate first aid.

*Provision of accommodation for the sick and isolation of cases of infectious diseases*

18. (1) At every mine, a separate building shall be set apart for the accommodation of the sick and adequate facilities shall be provided for the isolation of all cases of infectious diseases occurring amongst employees or other residents at that mine:

Provided that the provisions, of this subsection shall not apply where adequate facilities for hospitalization or isolation are available within a distance of fifty kilometres from the mine.

(2) A provincial medical director or director of health services, or any person acting in such capacity may, having due regard to available hospital facilities, direct that a hospital be erected and equipped at any time to meet the requirements of the employees and residents of such mine.

(3) Every hospital erected in terms of this section shall be subject to the approval of a provincial medical director or director of health services, and shall conform to the requirements specified in the Third Schedule of these regulations.

*Provision for medical supervision of mine hospital*

19. (1) At every mine where a hospital is maintained, provision shall be made for the medical supervision of such hospital by a medical practitioner.

(2) There shall be placed in charge of such hospital a suitably qualified person, who shall be approved by a resident or visiting medical practitioner, and who shall be responsible—

(a) for attending upon such persons who may from time to time seek medical care or advice or admitted to such hospital;

(b) for keeping such hospital, its furniture equipment and grounds in a clean condition.

*Provincial medical director or director of health services or medical officer of health or environmental health officer may order the removal of a sick person*

20. A provincial medical director or director of health services or medical officer of health or environmental health officer or any person acting in such capacity may order the removal of any sick person upon any mine to the nearest hospital for treatment if he considers such action desirable in the interests of the person concerned.

*Suspected cases of notifiable disease to be reported*

21. In the event of the suspected occurrence of a notifiable disease on any mine, the mine manager shall immediately take action in accordance with the provisions of the Public Health Act [Chapter 328], reporting the suspected occurrence to the medical officer of health or the appropriate local authority.

*Provision of safe water-supply*

22. (1) Every mine shall at all times be provided to the satisfaction of an environmental health officer or environmental health technician, with safe water delivered by a piped system on the basis of one tap per family for family dwellings and one tap per two rooms for single quarters.

(2) No polluted water shall be used for domestic purposes.

(3) Every mine shall have adequate ablution facilities for all workers, to the satisfaction of the environmental health officer or environmental health technician.

*Protection of source of water-supply*

23. (1) Due care shall be taken to protect the source of water-supply to the community, so as to reduce the risk of pollution to a minimum.

(2) If any source of water-supply becomes so polluted as to be a likely source of danger to the employees and residents on any mine, an environmental health officer may direct that such source of water supply shall immediately be rendered safe.

*Approval of site for washing clothes, and provision of facilities*

24. (1) At every mine, employees shall be provided with adequate facilities, at a site approved by an environmental health officer, for the washing of their persons and where employees are normally resident on the mine, for the washing and drying of their clothes, and no person shall wash clothes at any place other than the site approved, and such site shall be supplied with water from the domestic supply referred to in section 22.

(2) Where, in the opinion of an environmental health officer, washing arrangements are insufficient or unsuitable such environmental health officer may order the employer, in writing, to provide

suitable arrangements within a reasonable time specified in such order.

*Provincial medical director or director of health services may classify a mine*

25. (1) A provincial medical director or director of health services or any person acting in such capacity may classify any mine which is situated within a radius of eighty kilometres of a hospital or within the boundary of municipal area, which, in his opinion, is equipped with adequate X-ray facilities, by delivering a notice in form M.H.S. 1 to the manager of that mine:

Provided that a provincial medical director or director of health services or any person acting in such capacity shall not classify any mine unless an initial X-ray examination of the chest of persons over the age of fifteen years who are resident or are employed on that mine has been conducted.

(2) The manager of a classified mine shall not—

(a) employ any person who is not a holder of a current certificate;

(b) permit any dependant over the age of fifteen years of any employee employed on that mine to reside on that mine unless that dependant is the holder of a valid certificate.

(3) Subject to the provisions of subsection (4), every certificate shall be valid for such period as the provincial medical director or director of health services or any person acting in such capacity shall determine from the date of issue thereof:

Provided that—

(a) in the case of the certificate issued in form M.H.S. 2, its validity shall be deemed to expire if the holder of the certificate—

(i) during the period of validity, contracts active tuberculosis; or

(ii) leaves employment, or ceases to be resident on a classified mine for a period in excess of three months;

(b) in case of a certificate issued in terms of Part IV or V of the Pneumoconiosis Act [Chapter 327], the validity of the certificate in form M.H.S. 2 shall not exceed any terms or conditions subject to which such certificate was issued.

(4) A provincial medical director or director of health services or any person acting in such capacity may extend the period of validity of any certificate issued in form M.H.S. 2, and may, for such purposes, issue a declaration, in writing, to the manager of a classified mine, extending the validity of the certificates issued in form M.H.S. 2 of all or any holders who reside or are employed on that mine.

(5) The manager of a classified mine shall retain at that mine the certificate of every person resident or employed on that mine.

(6) A certificate shall be valid only in relation to the person in respect of whom it was issued, and no person, other than the person in respect of whom it was issued, shall use, or attempt to use, that certificate in respect of himself.

(7) In this section—

“certificate”, unless otherwise specified, means—

- (a) a certificate issued in form M.H.S. 2; or
- (b) a certificate issued in terms of Part IV or Part V of the Pneumoconiosis Act [Chapter 327].

*Submission of monthly returns*

26. A mine manager shall, not later than the tenth day of each month, render to the mining commissioner—

- (a) a return, in form M.H.S. 3, of labour employed during the preceding month; and
- (b) a separate return in respect of each mine.

PART II  
HEALTH AND HOUSING

*Appointment of personnel manager*

27. (1) At every mine or group of mines having three hundred or more employees, and at every mine township accommodating employees to the number of three hundred or more, the mine manager shall appoint a personnel manager, and on every mine or group of mines having seven hundred and fifty or more employees, and at every mine township accommodating employees to the number of seven hundred and fifty or more, the mine manager shall, in addition, appoint an assistant personnel manager.

(2) The provisions of subsection (1) may, upon a written order of the Minister, apply to any mine or group of mines, or to any mine township not otherwise falling within the provision thereof.

Provided that the Minister shall not make any order in terms of this subsection unless he has been furnished with a report by the Secretary for Public Service, Labour and Social Services to the effect that it is essential, in the interests of the employees, that such an order be made.

(3) The Minister may, by written certificate, exempt from the provisions of subsection (1) any mine, group of mines or mine township falling within the provisions thereof.

*Supervision and control of employees and residents*

28. Subject to the authority of the mine manager, a personnel manager shall be responsible for the supervision and control of all employees and residents of the mine township, and for procuring immediate treatment in all cases of sickness which come to his notice.

*Provision of accommodation for employees and other residents*

29. (1) At every mine, where accommodation is provided, such accommodation shall be to the satisfaction of the environmental health officer.

(2) Where it is proposed to erect premises, a plan, which shall indicate the specifications set out in the Fourth Schedule, shall be submitted for the approval of the environmental health officer.

*Environmental health officer may order removal of premises occupied by employees*

30. (1) If any premises for the accommodation of employees are insufficient for the number of residents thereon, an environmental health officer may order suitable premises to be erected or any defect in the existing premises to be remedied, within such reasonable period as he may fix.

(2) Any order made in terms of subsection (1) shall be in writing, and the time allowed for the erection of buildings or the remedying of defects shall be specified.

*Absence of employee from daily duty*

31. The absence of any employee who is normally resident on the mine from attendance at a daily shift shall at once be investigated and, if it is found that absence is due to indisposition, such employee shall, where necessary, be removed to the quarters provided for the sick in terms of section 18.

*Provision of beverages*

32. All employees, both surface and underground, on coming of afternoon-shift, shall be given five hundred millilitres of hot soup, coffee, cocoa or tea or a like amount of any other nutritious beverage hot or cold which is acceptable to the employees and approved by the environmental health officer or environmental health technician.

*Meal-time, issue of rations, approval of kitchen design and construction*

33. (1) The times at which meals may be eaten shall be so arranged as to allow employees to eat food at least twice daily.

(2) If rations are issued raw, sufficient fuel shall be supplied free of charge, and adequate time shall be allowed to enable employees to cook and eat their food.

(3) Where employees are supplied with food cooked on the premises, such food shall be cooked in a kitchen of a design and construction approved by an environmental health officer.

(4) All food handlers in the kitchen and those serving cooked food shall be medically examined by a medical officer and be certified free of disease that is infectious, contagious, or communicable before the assumption of food handling duties and thereafter be medically examined at least once yearly.

(5) Any food handlers with wounds on fingers or hands, or with discharges from an infection that is likely to contaminate food for employees, shall not be allowed to perform such duties until he is fully treated and recovered.

*Food or drink diseased, unsound, unwholesome or unfit for human consumption*

34. No person shall supply, or cause to be supplied, to any employee employed on any mine, for the purpose of consumption by such employee, any article of food or drink which is diseased, unsound, unwholesome or unfit for human consumption.

*Day of rest*

35. Every employee employed on any mine by an employer who is not required to comply with provisions relating to hours of work and rest-periods contained in any agreement, employment regulations or determination, made binding in terms of the Labour Relations Act, 1985, shall be given at least one day's rest in seven:

Provided that nothing in this section shall in any way affect the rights of any such employee to a longer period of rest under any other law or under any contract.

PART III

ORDERS AND PENALTIES

*Mine manager may appeal against order*

36. (1) When any mine manager considers that any order given to him in terms of these regulations by a provincial medical director or director of health services or environmental health officer or any person acting in such capacity is unreasonable, he may appeal, in writing, against such order to the Secretary for Mines.

(1) Any notice of an appeal made in terms of subsection (2) shall be forwarded to the Secretary for Mines within fifteen days after the making of the order, and no further action on the order shall be taken pending the communication to the manager of the decision of the Secretary for Mines.

(3) A copy of the notice of appeal shall be served by the mine manager on the Secretary for Health and Child Welfare and the provincial medical director or director of health services or environmental health officer from whose order he appeals at the same time as the notice is forwarded to the Secretary for Mines.

(4) If an appeal made under these regulations is rejected by the Secretary for Mines, the onus of ensuring compliance with the order shall rest with the Minister after consultation with the Minister of Health and Child Welfare.

*Secretary for Mines confirms order*

37. A mine manager who fails to comply with the decision of the Secretary for Mines shall be liable to the penalties prescribed in section 39.

*Rights and liabilities under National Social Security Authority Act, 1989 not affected by these regulations*

38. Nothing in these regulations shall be deemed to affect the rights and liabilities of any person under any scheme established under the National Social Security Authority Act, 1989.

*Offences and penalties*

39. (1) Any person who contravenes any provision of these regulations shall be liable, on a first conviction, to a fine not exceeding two thousand dollars or, in default of payment, to imprisonment for a period not exceeding two years.

(2) In the event of a second or subsequent conviction, a person shall be liable to a fine not exceeding two hundred dollars or, in default of payment, to imprisonment for a period not exceeding six months.

*Repeals*

40. The regulations specified in the Fifth Schedule are repealed.

FIRST SCHEDULE (Section 2)  
FORMS

(In accordance with the provisions of subsection (2) of section 5 of the Interpretation Act [Chapter 1], the forms are not published herein, but notice is hereby given that all the forms may be inspected, free of charge, at the office of any mining commissioner.)

Form	Description
M.H.S. 1	Notice of classification of a mine.
M.H.S. 2	Certificate of tuberculosis examination.
M.H.S. 3	Labour return.

SECOND SCHEDULE (Section 17)

EMERGENCY DRUGS AND DRESSINGS

For every 100 persons or part thereof employed on any mine, there shall be kept, at a place adjacent to the mine-head, a stretcher and a first-aid box containing the following:

1. 8 splints with metal junctions;
2. 2 pairs of rectangular splints (500 millimetres × 230 millimetres × 80 millimetres);
3. 1 rubber tourniquet (Horwick, anchor or slot fastening);
4. 1 rubber tourniquet (rubber bandage type);
5. 1 tourniquet-twisting stick (150 millimetres long);
6. 1 tourniquet-twisting stick (230 millimetres long);
7. 18 triangular bandages;
8. 12 sterilized small first-aid dressings (with bandage attached);
9. 8 sterilized medium first-aid dressings (with bandage attached);
10. 4 sterilized large first-aid dressings (with bandage attached);
11. 150 millimetres of orthopaedic wool;
12. 4 × 50 gram packets of cotton wool;
13. Assorted safety pins;
14. 4 × 25-gram packets of white lint;
15. 1 × 50-millilitre medicine-measure (plastic or metal);
16. 6 × 50 millilitre bottles containing 5 millilitres of salvolatle in water;
17. 2 × 25-gram tubes of antiseptic cream;
18. 1 × 10 millilitre bottle of saline drops or antibiotic drops;
19. 1 small pair of scissors;
20. 1 × 200-millilitre bottle of povidone iodine antiseptic solution;
21. 12 disposal gloves (plastic);

Provided that alternative appliances for arresting haemorrhage approved by an environmental health officer may be used in place of item 3 to 6.

THIRD SCHEDULE (Section 18)

HOSPITAL ACCOMMODATION

1. All hospitals provided at the mines shall comply with and be approved in terms of the requirements of the Medical, Dental and Allied Professions Act [Chapter 224].
2. All wards for the accommodation of patients shall be provided with cross-ventilation.
3. Window space of not less than 10 per centum of the floor space shall be provided, and, where glazed windows are used, at least fifty per centum must be capable of being opened.
4. Floors shall be constructed of impermeable material, and sloped to allow easy drainage and clearing.
5. Every hospital shall be provided with a dispensary.
6. Proper facilities shall be provided for bathing and washing, and separate latrines shall be provided for the exclusive use of patients.
7. The cubic air space provided shall be not less than 14 cubic metres per bed.
8. In every hospital, there shall be kept, to the satisfaction of a provincial medical director, a supply of drugs, surgical appliances and domestic equipment.

9. A provincial medical director or somebody acting on his behalf or director of health services may order the following additional buildings to be provided—

- (a) an operating-room;
- (b) an isolation ward for the segregation of infectious diseases from other cases;
- (c) a mortuary; and
- (d) a bathroom with plunge-bath.

FOURTH SCHEDULE (Section 29)

HOUSING ACCOMMODATION

All dwellings

1. The floors of all dwellings shall be raised at least 150 millimetres above the surrounding ground all round, and shall be maintained at that level.
2. Every dwelling shall be provided with a door, properly fitted and swung, and a window, at least 50 per centum of which is openable, and equal in area to not less than 10 per centum of the floor space.
3. The minimum floor space per person shall be 3,7 square metres and the minimum air space per person shall be 11,5 cubic metres.
4. For the purposes of calculating the air space of any room, the average height taken into account shall not exceed 3 metres, not withstanding the actual height of such room.

5. The ground on which any dwelling or group of dwellings is situated shall be efficiently drained and cleared, and such clearing shall be extended for a distance of at least 8 metres from each dwelling and, in the case of a group of dwellings, for a distance of at least 8 metres beyond the external perimeter.

6. No building in which the living-rooms are arranged "back to back" shall be permitted.

7. Provision shall be made in every living-room for adequate cross-ventilation.

The provisions of this Schedule shall not apply to dwellings erected for the purpose of temporary prospecting or mining operations, or where, in the opinion of an environmental health officer, the probable life of the mine does not justify the expenses of erecting dwellings in accordance with the provisions of this Schedule. If any dispute arises as to whether any prospecting or mining operations are of a temporary nature, the matter shall be referred to the Secretary for Mines, whose decision shall be final.

FIFTH SCHEDULE (Section 40)

REPEALS

Title	Rhodesia Government Notice No.	Statutory Instrument
Mining (Health and Sanitation) Regulations, 1977	156 of 1977	
Mining (Health and Sanitation) (Amendment) Regulations, 1979 (No. 1)		611 of 1979
Mining (Health and Sanitation) (Amendment) Regulations, 1981 (No. 2)		52 of 1981