

[CAP. 165  
Mining (Management and Safety) (Amendment) Regulations,  
1990 (No. 1)

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:—

1. These regulations may be cited as the Mining (Management and Safety) (Amendment) Regulations, 1990 (No. 1).

2. Section 2 of the Mining (Management and Safety) Regulations, 1990, published in Statutory Instrument 109 of 1990 (hereinafter called "the principal regulations"), is amended—

(a) by the insertion of the following definitions—

"mine", for the purposes of these regulations includes a quarry;

"mining accident" means any accident, including a non-casualty accident, arising out of and in the course of mining operations at a mine or on any mining location;

"non-casualty accident" means an accident referred to in section 270;

"open cast working" means any working beneath the original surface of the ground that is not an underground working or a trench, pit or similar working;

"quarry" means any open cast working from which any clay, sand or stone, including dimensional stone for building or road-making, is obtained by cutting, blasting or other operation;

(b) in the definition of "mining" by the insertion after "thereto" of ", and includes quarrying operations".

3. Section 9 of the principal regulations is amended in subsection (1)—

(a) in paragraph (e) by the insertion after "exposed to" of "danger,";

- (b) in paragraph (f) by the insertion after "underground" of "and on the surface";
- (c) in paragraph (h) by the insertion in subparagraph (ii) after "miner" of "or competent person".

4. Section 18 of the principal regulations is amended—

- (a) in subsection (2) by the deletion of "months" and the substitution of "months";
- (b) by the repeal of subsection (3) and the substitution of the following subsections—

"(3) The owner of a quarry shall securely fence in or enclose and shall keep fenced in or enclosed any open cast workings and other excavations which may be a danger to the safety of persons or animals.

(4) Fencing or enclosures for the purposes of this section shall be to a standard determined by an inspector."

5. Section 41 of the principal regulations is amended in subsection (2)—

- (a) in paragraph (a) by the deletion of "ten" and "five" and the substitution of "fifteen" and "seven comma five" respectively;
- (b) in paragraph (b) by the deletion of "five" and the substitution of "seven comma five";
- (c) by the repeal of subsection (4) and the substitution of the following subsections—

"(4) Where underground workings are approaching a diamond drill-hole, a raise-bore pilot hole, or any other borehole, and an intersection is likely, the manager shall take all necessary and reasonable precautions to prevent any persons being injured by the intersection.

(5) Where a manager suspects the dangerous approach of workings in an adjoining mine, he shall, in writing, notify an inspector, who shall have the

power to order cessation of such work until a survey has been carried out."

6. Section 70 of the principal regulations is amended in subsection (1) by the repeal of paragraph (g) and the substitution of—

"(g) the concentration of noxious dust shall not exceed the quantities specified in the Fifth Schedule."

7. Section 85 of the principal regulations is amended by the insertion after "Act" of " or the quarry has been abandoned and any lease relating to it cancelled."

8. Section 124 of the principal regulations is amended by the repeal of subsection (2) and the substitution of the following subsections—

"(2) If inflammable gas is found in concentrations referred to in subsection (1) in any working place where electrical apparatus, other than approved portable lamps, are in use, the supply of electricity to such place shall be switched off forthwith and shall not again be switched on until the place has been examined by an official and found to be clear of inflammable gas and certified by him to be safe.

(3) Any certification of a place as safe for the purpose of subsection (2) shall be recorded in ink before the end of the shift in a book to be provided by the manager."

9. The principal regulations are amended by the insertion of the following Schedule—

"FIFTH SCHEDULE (Section 70 (1) (g))

PERMISSIBLE QUANTITIES OF NOXIOUS GASES

Description of dust	Maximum permissible concentration mg/m <sup>3</sup>
Siliceous dust (less than 10% silica, SiO <sub>2</sub> )—	
(i) Respirable	2
(ii) Total	5
Coal dust—	
(i) Respirable (less than 5% silica, SiO <sub>2</sub> )	3
(ii) Respirable (more than 5% silica SiO <sub>2</sub> )	0.5

"Respirable dust" means dust particles of less than five micrometres in size."