

# **Mines Safety Regulations for the 21<sup>st</sup> Century**

**Heads of European State Mining  
Authorities Conference**

**Dublin – October 2014**

**Steve Denton**

# What we are doing

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- Current position
  - >40 sets of mining legislation
  - ~ 1,000 separate regulations
  - ~ 8,000 provisions (too many to count!)
  - ~ 1950s-1990s
- End position (April 2015)
  - 1 piece of modern mining legislation
  - 70 regulations
- Once in a lifetime change

# Why re-regulate now?

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- Last reform programme stopped in 1997
  - 15,000 miners
  - Too few to justify the resource
- Fast forward to 2011
  - 6,000 miners
- What has changed?
  - Politics

# What drives regulatory reform?

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- Politics
  - Response to catastrophes
    - Most mining legislation; Piper Alpha
  - Health issues
    - Respirable/inhalable dusts
  - Europe
  - Government objectives
    - Economic growth agenda
    - Removing burdens on business
  - What interests the public

# What drives regulatory reform

- **Politics**
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# Burdens on business?

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- New coalition government in May 2010
  - ‘We are going to slay the health and safety monster’ – *David Cameron (and in 2012)*
- Government commissioned three reports in 15 months
  - H&S legislation not the problem
  - Costs mainly arise from
    - Fear of civil litigation – over compliance
    - Advice from H&S consultants
    - Increased insurance premiums
  - But some scope for consolidation in some sectors

# UK health and safety legislation

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- About 200 sets across all sectors
  - 47 sets of mining specific legislation
- Target set to halve that by 2014
  - About 100 sets to go in total
  - 47 to 1 reduction in mining legislation will deliver about half that figure
- Looks very de-regulatory
- Opportunity to do something that actually makes things better

# What we have tried to do

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- Bring very closely into line with 92/104/EEC
  - Extractive Industries Directive
- Make the law clear
  - one set of legislation not 40+
- Lose duplication and irrelevant provisions
- Keep specific regulatory controls over mining major hazards
- Legal duty to ensure risks are ALARP



# Significant changes in approach

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- Biggest policy shift in this exercise
  - Duties will fall on the mine operator (the employer in charge of the mine) rather than the mine manager, an employee
- Other significant changes
  - Much clearer focus on competence and competence management
  - Delivery of mines rescue
  - Regulation of coal mine dusts brought into alignment with regulation of other harmful substance
  - Approach to use of explosives

# Health and safety management

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- Greater focus of the health and safety document as the starting point
  - high level hazard identification
  - Much more aligned to a ‘Seveso safety report’ approach
- Document should demonstrate
  - Assessments done in relation to hazards identified
  - Necessary control measures put in place
  - Arrangements are in place to manage and maintain the necessary control measures

# Main duties

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- Take necessary measures to ensure mine is run safely
  - From design through operation and maintenance to abandonment
  - Demonstrations in writing
    - instructions, rules, schemes,
  - Management structure
    - Identify safety critical posts, define roles and determine competence requirements
  - Competence management

# Major hazard risk control

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- Control over specific mining hazards
  - Fire
  - Flammable gases/explosions
  - Ground movement
  - Inrushes
    - Water
    - Toxic and suffocating gases
  - Transport through shafts and underground
  - Explosives

# Health and safety management

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- Ventilation
- Escape and rescue provision
- Inspection and supervision
- Tips
- Dust in coal mines

# Supported by guidance



## Guidance on The Mines Regulations 2014

### **This is a working draft of the supporting guidance**

We have made it available now so that those considering the proposed Mines Regulation 2014 during the formal consultation exercise can see how the guidance complements the requirements of the proposed Regulations.

We will continue with its development with the aim of having it finalised before the new Regulations are in place. This will be done working closely with all stakeholders to make sure that the guidance provides sufficient clear advice on how to comply with the law.

This guidance is issued by the Health and Safety Executive. Following the guidance is not compulsory, unless specifically stated, and you are free to take other action. But if you do follow the guidance you will normally be doing enough to comply with the law. Health and safety inspectors seek to secure compliance with the law and may refer to this guidance.

# Where are we now?

- Submitted to Government for approval on 6 October
- Should be signed by a Minister by late-November/early-December
- Law by 6 April 2015
  - All current mining health and safety legislation will be withdrawn on the same date

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