

MINES, QUARRIES, WORKS AND MACHINERY ACT
(Cap. 44:02)

MINES, QUARRIES, WORKS AND MACHINERY
(AMENDMENT) REGULATIONS, 2005
(Published on 20th May, 2005)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Amendment of regulation 2 of Cap. 44:02 (Sub. Leg.)
3. Amendment of regulation 3
4. Amendment of regulation 15
5. Amendment of Part V of the Regulations
6. Amendment of regulation 37
7. Amendment of regulation 39
8. Amendment of regulation 91
9. Amendment of regulation 92
10. Amendment of regulation 104
11. Amendment of regulation 106
12. Amendment of regulation 108
13. Amendment of regulation 109
14. Amendment of regulation 117
15. Amendment of regulation 211
16. Amendment of regulation 212
17. Amendment of regulation 233
18. Amendment of regulation 318

SCHEDULE

IN EXERCISE of the powers conferred on the Minister of Minerals, Energy and Water Resources by section 11 of the Mines, Quarries, Works and Machinery Act, the following Regulations are hereby made —

1. These Regulations may be cited as the Mines, Quarries, Works and Machinery (Amendment) Regulations, 2005.

2. Regulation 2 of the Mines, Quarries, Works and Machinery Regulations (hereinafter referred as “the Regulations”) is amended by substituting, for the definition of the words “competent person” the following new definition —

““competent person” means a person who is at least 18 years old and who, in relation to any duty or function holds a certificate of competence issued in accordance with the Act, or other competency certificate that the Minister may require.”

3. Regulation 3 of the Regulations is amended in paragraph (a) thereof by inserting, immediately after the word “Act” the words “or any other written law”.

Citation

Amendment
of regulation
2 of Cap.
44:02 (Sub.
Leg.)

Amendment
of regulation 3

Amendment
of
regulation 15

4. Regulation 15 of the Regulations is amended by substituting thereof the following new regulation —

“Appointment of surveyor, ventilation officer and process engineer 15.(1) Every manager shall appoint a surveyor, a ventilation officer and a process engineer to carry out the provisions of Parts XXXI, XII and XXVII respectively.

(2) Where less than 100 persons are employed, the duties of a surveyor, a ventilation officer and a process engineer may be assumed by the manager.”

Amendment of
Part V of the
Regulations

5. Part V of the Regulations is amended in regulations 35 and 36 thereof by substituting for the words “Mining Commissioner” which appear in those two regulations, the words “Chief Government Mining Engineer”.

Amendment
of regulation
37

6. Regulation 37 of the Regulations is amended, in subregulation (2) thereof by inserting immediately after paragraph (m) thereof, the following new paragraph —

“(n) the release or discharge of harmful hazardous substances or effluents.”.

Amendment of
regulation 39

7. Regulation 39 of the Regulations is amended, in subparagraph (iii) of paragraph (b) thereof by substituting for the word “telephone” appearing therein, the words “communication system”.

Amendment of
regulation 91

8. Regulation 91 of the Regulations is amended by —

(a) substituting for subregulation (2) thereof, the following new subregulation —

“(2) The examination shall include —

(a) an X - ray of the chest; and

(b) an audio-metric examination.”; and

(b) inserting immediately after subregulation (2) thereof, the following new subregulations —

“(3) Workers exposed to noisy conditions shall undergo annual audio-metric examinations.

(4) A person employed at a mine whose termination of employment is not on medical grounds shall be medically examined by a registered medical practitioner upon termination of that person’s employment.”.

Amendment of
regulation 92

9. Regulation 92 of the Regulations is amended by inserting immediately after the words “or dermatitis” appearing therein, the words, “or any other infectious disease”.

Amendment of
regulation 104

10. Regulation 104 of the Regulations is amended by substituting for that regulation the following new regulation —

“Noise control 104. (1) For the purposes of controlling noise at the workplace, the manager shall —

(a) ensure that the noise exposures are within the limits set out in the Schedule hereto;

(b) apply effective measures for hearing conservation in the manner approved by the engineer;

(c) where possible, ensure that operations or machines that generate sound or noise likely to induce hearing loss are housed in a separate noise muffling room or workshop; and

(d) ensure that a noise survey is carried out at least once a year.”.

11. Regulation 106 of the Regulations is amended by —
- (a) renumbering of the regulation as subregulation (1); and
- (b) inserting the following new subregulation after subregulation (1) —
- “(2) The manager shall ensure that periodic monitoring of vibrations on plant walkways, platforms and in offices located near screening and crushing plants is carried out.”
12. Regulation 108(2) of the Regulations is amended —
- (a) in paragraph (b) thereof, by substituting for that paragraph, the following new paragraph —
- “(b) ensures that the amount of carbon dioxide, carbon monoxide, oxides of nitrogen, sulphur dioxide, hydrogen sulphide and aldehydes in the general body of the air do not exceed the following quantities, namely, 5000 parts per million for carbon dioxide, 25 parts per million for carbon monoxide, 5 parts per million for oxides of nitrogen, 2 parts per million for sulphur dioxide, 10 parts per million for hydrogen sulphide and 5 parts per million for aldehydes;” and
- (b) by inserting immediately after paragraph (g) thereof the following new paragraph —
- “(h) contains mercury vapour of at most 0.05 mg/m”.
13. Regulation 109 of the Regulations is amended by inserting immediately after paragraph (b) appearing therein, the following new paragraphs —
- “(c) the maximum permissible concentrations of —
- (i) metals or other deleterious substances in the mine,
- (ii) process plant effluent discharged into the environment, or
- (iii) tailing ponds;
- (d) the maximum amounts of biological oxygen demand and temperature of the mine;
- (e) the permissible alkalinity or acidity range of process plant and mine effluents;
- (f) the maximum permissible amounts of hydrocarbons released to the environment; and
- (g) the maximum permissible amounts of any other substance that may be declared by the Engineer to be hazardous to the environment.”
14. Regulation 117 of the Regulations is amended in subregulation (1) by substituting for the words “a flame safety lamp” appearing therein, the words “methane and oxygen detection apparatus approved by the Engineer”.
15. Regulation 211 of the Regulations is amended by substituting therefor, the following new regulation —
- “Slimes dams and slimes stores 211. Any tailings dam or any other place where slimes are stored shall be constructed in such a manner as to prevent, as far as reasonably practicable —
- (a) any collapse of such dam or place which may cause danger to any person or property; and
- (b) any groundwater contamination due to seepage from the dam or leakage from such place.”
16. Regulation 212 of the Regulations is amended by —
- (a) renumbering the regulation thereof as subregulation (1); and
- (b) inserting immediately after subregulation (1) thereof, the following new subregulation —

Amendment
of regulation
106

Amendment
of regulation
108

Amendment of
regulation 109

Amendment
of regulation
117

Amendment of
regulation 211

Amendment
of regulation
212

Amendment of
regulation 233

“(2) The Engineer shall ensure that oxygen is excluded from the dump referred to in subregulation (1).”.

17. Regulation 233 of the Regulations is amended —

- (a) by substituting for the words “make dumping rules” appearing in paragraph (a) thereof, the words “laydown dumping procedures”;
- (b) by substituting for the word “rules” which appears on line 2 of paragraph (a) and in paragraph (b), the word “procedure”; and
- (c) by inserting immediately after paragraph (b) thereof, the following new paragraphs —

“(c) where it is intended to deploy rear dump trucks at a dump a berm of a height approved by the inspector shall be maintained along the entire edge of the dump;

(d) the height of the berm referred to in paragraph (c) shall be based on the size of the trucks used and shall not be less than 1 meter in height from the base to the apex;

(e) where it is not possible to provide a berm, a competent truck spotter shall be deployed during dumping operations; and

(f) adequate non-glaring lighting shall be provided when visibility is not clear when dumping operations are on-going.”.

Amendment
of regulation
318

18. Regulation 318 of the Regulations is amended by inserting immediately after paragraph (d) thereof, the following new paragraphs —

“(e) a power steering and emergency steering approved by the Engineer;

(f) a rollover protective structure and falling object protective structure approved by the Engineer; and

(g) an air conditioned cab;

(h) an adjustable seat in the cab which is provided with a means of reducing the effects of machine vibrations on the operator; and

(i) an alarm (horn), reverse alarm, indicator lights, engine monitoring systems, seat belt and pressure gages.”.

SCHEDULE

PERMISSIBLE NOISE EXPOSURES

regulation 104

<i>Duration in hours per day</i>	<i>Sound level (decibels)</i>
16	80
8	85
4	90
2	95
0.5	100
0.25	110
0.125	115

MADE this 9th day of May, 2005.

CHARLES TIBONE,
*Minister for Minerals, Energy
and Water Resources.*